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THE
CHURCH OF ROME:
HER PRESENT MORAL THEOLOGY, SCRIPTURAL
INSTRUCTION, AND CANON LAW.

THE
CHURCH OF ROME:

HER PRESENT MORAL THEOLOGY, SCRIPTURAL
INSTRUCTION, AND CANON LAW.

A REPORT

ON

"THE BOOKS AND DOCUMENTS ON THE PAPACY,"

DEPOSITED IN

THE UNIVERSITY LIBRARY, CAMBRIDGE,

THE BODLEIAN LIBRARY, OXFORD,

AND

THE LIBRARY OF TRINITY COLLEGE, DUBLIN,

A.D. 1840.

"And upon her forehead was a name written—MYSTERY."—Rev. xvii. 5.

LONDON:

JOHN FARQUHAR SHAW,

27, SOUTHAMPTON ROW, AND 21, PATERNOSTER ROW.

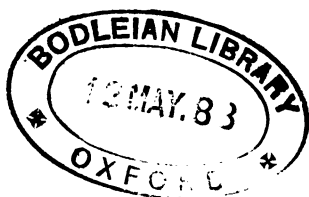
J. MENZIES, EDINBURGH. J. ROBERTSON, DUBLIN.

1853.

1303.

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In compliance with a Requisition from the Lord Lieutenant, Noblemen, Clergy, and Gentlemen of the County of Huntingdon, the Documents and Extracts in THIS REPORT have been examined and verified by the Books deposited in the University Library of Cambridge, under the direction of the Rev. G. E. CORRIE, B.D., Master of Jesus College, VICE-CHANCELLOR OF THE UNIVERSITY OF CAMBRIDGE, A.D. 1850-51.

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P R E F A C E.

THE circumstances under which the following Report is laid before the public, render it necessary that a precise statement of them should accompany the publication; and this, on account of my personal knowledge of the facts, I have been requested to prefix to it.

At a meeting held in the Town Hall of Huntingdon, on the 28th of December, 1850, on the occasion of the Papal Aggression, the Earl of Sandwich, Lord Lieutenant of the County, in the chair, the Rev. R. J. M'Ghee, Rector of Holywell *cum* Needingworth, having been requested to second the first resolution, entered at some length into statements respecting the moral and dogmatical teaching of the Church of Rome, and more especially respecting the code of Canon Law, which, as he asserted, the Romish bishops had introduced into Ireland in the year 1832; and Mr M'Ghee announced in conclusion, that his statements could be tested and proved by authentic documents, deposited by himself in the University Library of Cambridge, the Bodleian at Oxford, and Trinity College, Dublin.

The allegations of Mr M'Ghee, the matter of which was perfectly new to a great part of the audience, excited as much surprize as interest; and it occurred to several persons present that if they could indeed be proved by documents so near at hand as our University Library, it

was most desirable that these should be examined and reported upon for general information, especially in regard to the Canon Law, which it was the avowed purpose of the Romish episcopate to introduce into England, as had already been done in Ireland.

The proposition was made therefore, and immediately adopted by the Meeting, that a Requisition should be sent to the Vice-Chancellor of Cambridge, respectfully requesting that he would have the goodness to direct an investigation of these papal documents, and a report of their contents to be made. This Requisition with its signatures is prefixed to the Report.

As this motion originated with myself, the Requisition was entrusted to me for presentation to the Vice-Chancellor: from whose reply it appeared that he could not cause the documents in question to be investigated by a Syndicate, but he was kind enough to add, that if a Report upon them could be drawn up, he would undertake that such extracts as might occur in the Report should be verified by a comparison with the documents themselves.

Knowing, from my own experience, the difficulty of finding among the resident Fellows of Colleges any whose occupations admitted of sufficient leisure for the careful examination of thirty volumes, with a view to a full detailed report of their contents; it occurred to me that the only way to overcome this difficulty would be to request Mr M'Ghee, who was necessarily best acquainted with the contents of the documents which he had pre-

sented to the University, to draw up the Report upon them himself. That being done, the Report could be printed and a copy sent to the Vice-Chancellor, who could then submit it to competent Members of the University to be tested by comparison with the documents in the Library; and thus both the Requisitionists of the county of Huntingdon, and the public in general, might be fully satisfied as to the truth and accuracy of the Report. This plan was, accordingly, adopted. I may be permitted to add, that before the printed Report was sent to the Vice-Chancellor, I went through it myself, and compared the extracts with the Documents, and can testify to the fairness and accuracy with which they are made. At the time of writing this, I do not know even the names of the gentlemen selected by the Vice-Chancellor for the purpose of making the same verification.

There will be found in this Publication a sufficient and authenticated reply to the oft-repeated question, 'What is the Law of the Romish Church?' The learned and eloquent M. Dupin (himself a Roman Catholic, to whose ability and energy is principally due the failure of the recent attempt to supersede the ancient religious liberties of France by Ultramontane despotism,) has declared that in his country, an intimate knowledge of the character, government, and discipline of the (Romish) Church is become indispensable; and also of the encroachments unceasingly attempted by the spiritual upon the civil power. What has been found so essential for our neighbours, cannot be otherwise for ourselves, under circumstances spring-

ing from the same source. *Our* safety also will require a far more extensive and accurate acquaintance with the real principles by which, however disguised or extenuated, the action of the Romish Church is invariably directed. I would apply to our present position in respect of the papacy, the language of the sagacious statesman and profound lawyer already referred to, ‘On a usé de beaucoup de ménagements; je n’en ferai pas de reproche, on a bien fait: c’est là notre force pour l’avenir; car on pourra dire alors, Nous n’avons pas agi avec trop de vivacité, avec trop d’intemperance, on a laissé accumuler les actes qui pouvaient lasser la patience publique; mais, pour l’avenir,—faites-y attention.’

EDWARD BAINES,

Rector of Bluntisham, Hunts.

Late Fellow and Tutor of Christ's College, Cambridge.

ERRATUM.

Page 78, line 16, for “the Decretals of Sixtus” read “*Sexti decretalium*.”

REQUISITION

FROM LORD LIEUTENANT AND COUNTY OF HUNTINGDON.

WE whose names are hereunto subscribed consider it to be a matter of high importance to the security and well being of the institutions of this country, that the character and objects of the Papal Canon Law should be investigated and ascertained.

The Pope has presumed to parcel out England into Dioceses, over which he appoints Bishops, who, as Cardinal Wiseman has distinctly stated, are required for the express purpose of carrying the Canon Law into effect.

The obvious duty therefore of the Protestants in this empire is to ascertain what is the Canon Law, to the introduction of which so much importance is attached.

We have been informed that original and authentic Papal Documents have been deposited in the University Library at Cambridge, which demonstrate both the nature of the Moral Theology inculcated in the Authorized Interpretations of Holy Scriptures, by the Roman Catholic Bishops of Ireland, for the instruction both of priests and laity, and also, which is the great point in question, the principles of the Canon Law, said to have been introduced into Ireland when the Roman Catholics had obtained political power in 1832.

We understand that at the very time these Bishops were making public professions of gratitude and loyalty, they were pronouncing, in their secret statutes, a sentence of excommunication against all heretics—that they set up a code of Canon Law of Benedict XIV., which contains, among others, laws for the restitution of all forfeited property held by heretics—for the extermination of heretics out of their dioceses—for compelling Roman Catholics, under the heaviest spiritual penalties, to submit to, and obey, the temporal commands of the Pope, with others of a similar import.

We therefore make our respectful request to the Right Worshipful the Vice-Chancellor of Cambridge, that he would be pleased to cause that these Documents, deposited in the Public Library of the University, should, either by a Syndicate appointed for the purpose, or

in any other way that he may judge fit, be fairly investigated, and a Report be made thereon, so that it may be known, from competent authority, what is the real character of the Moral Theology of Roman Catholics, as set forth in their interpretation of Scripture, and of the Canon Law, so far as it regards Protestants, which has been for some years acted on in Ireland, and which it is intended, by the bold step lately taken, to establish in this country. For it is manifest to us, that a code of laws involving the principles above stated, could not be permitted to work uncontrolled in the heart of a free state, without leading to consequences which it is fearful to contemplate.

SANDWICH.

MANCHESTER.

ABOYNE.

G. HEATHCOTE.

JOHN LINTON, Colonel.

THOS. BOURDILLON, *Vicar of Fenstanton-cum-Hilton.*

EDWD. SELWYN, *Rector of Hemingford Abbots.*

DAVID VEASEY.

ROBT. COWPER BLACK, *Vicar of St Mary's, Huntingdon.*

J. C. EBDEN, *Vicar of Great Stukeley.*

CHARLES GRAY, *Vicar of Godmanchester.*

WILLIAM THORNHILL, *Clerk.*

THOS. J. MACKEE, *Clerk, Vicar of Brampton.*

WILLIAM LINDSELL.

CHARLES VEASEY.

T. B. SCOTT, *Curate of Godmanchester.*

J. H. BARBER, *Rector of Little Stukeley.*

J. FELL, M.A., *Member of the Senate of the University of Cambridge, Huntingdon.*

HENRY LINTON, *Vicar of Didlington.*

THOS. AINSWORTH, *Vicar of Kimbolton.*

CHAS. MARSON, *Curate of Kimbolton.*

W. H. ROOPER.

CHARLES BARNE, *Curate of Hemingford Grey.*

W. H. RIPLEY, *Curate of Little Stukeley.*

YATE FOSBROOKE, *Vicar of St Ives.*

FRANCIS MARGETTS, *Curate of Fenstanton.*

JOHN GREEN, *Vicar of St Neots.*

J. D. STREATFIELD.

H. W. BEAUFORD.

WM. DAY.

SAML. DAY.

ROBERT J. M'GHEE.

EDWARD BAINES.

F. W. LODINGTON, *Rector of Brington.*

J. MUDGE, *Pertenhall.*

THOS. LUDLAM, *Ellington.*

J. SANDERS, *Vicar of Spaldwick.*

VERIFICATION OF THE EXTRACTS IN THIS REPORT BY
THE VICE-CHANCELLOR OF CAMBRIDGE.

CAMBRIDGE,
Feb. 4, 1852.

MY DEAR SIR,

As I suppose that all the sheets of the Report are by this time printed off, it may be satisfactory to you to be informed, that the Extracts from the several Documents therein referred to, were duly verified by friends of mine on whom I can depend; and that I have myself taken pains to see that such corrections as my friends found occasion to supply, have been attended to in the printing.

Yours, very truly,

G. E. CORRIE.

REV. EDW. BAINES.

TITLES OF DOCUMENTS.

No. 1.*

The Holy Bible, translated from the Latin Vulgate: diligently compared with the Hebrew, Greek, and other editions in divers languages. The Old Testament, first published by the English College at Doway, A. D. 1609, and the New Testament first published by the English College at Rheims, A. D. 1582, with Annotations, and an Historical and Chronological Index. Revised and corrected according to the Clementin edition of the Scriptures, and approved of by the Most Reverend Dr Troy, R. C. A. D.

Dublin: Printed and published by Richard Coyne, Parliament Street, and sold by Keating, Brown and Keating, Duke Street, Grosvenor Square, London. 1816.

No. 2.†

The Holy Catholic Bible, containing the whole of the books in the Sacred Scriptures. Translated from the Latin Vulgate. The Old Testament, first published at the English College at Doway, A. D. 1609. The New Testament, first published at the English College at Rheims, A. D. 1582. Explained and illustrated with valuable and copious Notes. To which are added Useful Tables of the Weights, Measures and Coins mentioned in Scripture, with an Evangelical History and a Controversial Index, also, The Errata of the Protestant or Sectarian Bible, with explanations and references, together with the Principles of Roman Catholics, and Vindication, shewing their abhorrence of certain Tenets commonly alleged against them. An Epitome of Ecclesiastical History, from the Apostles' days to the present time, compiled from the best authorities, expressly intended for this Edition of the Holy Scripture, arranged under the following heads.

* This title-page is quite false: the book was neither printed nor published by Coyne. Its history is fully given in the Preface of No. 7.

† This is an exact reprint of No. 1, and contains the notes mentioned in this Report, pp. 49—50.

[Six heads are given, which are here unnecessary].

By James A. M'Namara. This Edition of the Catholic Bible containing the Old and New Testament is sanctioned and patronized by the Roman Catholic Prelates and Clergy of Ireland, and embellished with appropriate maps and other superb engravings.

"Give me understanding, and I will search the law, and will keep it with my whole heart." Psalm cxviii. ver. 34.

Cork. Printed for the Proprietor. A. D. 1818.

No. 3.*

The Holy Catholic Bible, containing the whole of the books in the Sacred Scriptures, translated from the Latin Vulgate. The Old Testament, first published at the English College at Doway, 1609. The New Testament, first published at the English College at Rheims, A. D. 1582. Explained and illustrated with valuable and copious notes. To which are added, useful Tables of the Weights, Measures and Coins mentioned in Scripture, with an Evangelical History and a Controversial Index, also the Errata of the Protestant or Sectarian Bible, with explanations and references, together with the principles of Roman Catholics, and Vindication, shewing their abhorrence of certain Tenets commonly alleged against them. An Epitome of Ecclesiastical History from the Apostles' days to the present time, compiled from the best Authorities, expressly intended for this edition of the Holy Scriptures. Arranged under the following heads, &c.

[Six heads are given, but are here unnecessary].

By James A. M'Namara. This edition of the New Testament is sanctioned and patronized by the Roman Catholic Prelates and Clergy of Ireland, and embellished with appropriate maps and other superb engravings.

"Give me understanding, and I will search the law, and will keep it with my whole heart." Ps. cxviii. 34.

Cork: Printed for the Proprietor. A. D. 1818.

No. 4.†

New Test. 4to. Verbatim as No. 3.

* This is the same edition as the last number, but contains the leaves pasted in, with these notes cancelled.

† This Testament is the same as that of the two preceding—it contains the notes. Its chief value is, that the covers contain the Advertisement with the names of all the Bishops who patronized the work.

Nos. 5 and 6.* 2 Vols. 8vo.

Romanism as it rules in Ireland. Being a full and authentic Report of the meetings held in various parts of England and Scotland, in which The Theology secretly taught—The Commentary on the Bible clandestinely circulated—The Law of the Papal States surreptitiously set up to govern Ireland—and the Secret Diocesan Statutes of the Province of Leinster, have been successively detected and exposed, together with all the important Documents relating to the subject, selected and arranged with a copious Index. By the Rev. Mortimer O'Sullivan, D.D. and the Rev. Robert J. M'Ghee, A.M. in Two Volumes. Vol. I.

"Now the Spirit speaketh expressly, that in the latter times some shall depart from the faith, giving heed to seducing spirits and doctrines of devils, speaking lies in hypocrisy, having their conscience seared with a hot iron. Forbidding to marry, and commanding to abstain from meats, which God hath created to be received with thanksgiving of them which believe and know the truth." 1 Tim. iv. 1, 2, 3.

Published by R. B. Seeley and Wm. Burnside, Hatchard and Son, Simpkin and Marshall, Nisbet, London. Milliken, Grant, Bolton, Curry, Tims, Bleakley, Dublin. And to be had of all the Booksellers. 1840.

No. 7.

The Complete Notes of the Doway Bible and Rhemish Testament, extracted from the Quarto Editions of 1816 and 1818. Published

* Nos. 5, 6, 7, 10 and 17.—It is important to state, that not any of these books or any statements or opinions they contain, are cited as authorities in this Report: the only use made of them is to refer to authorities cited in them which are unquestionable, and which bear on these Documents and on the facts they prove. For example, from No. 10 we have the evidence of the Appendix to the 8th Report of the *Commissioners of Education in Ireland*, containing the important letter of the Cardinal-Prefect of the Propaganda to the Trustees of Maynooth, and their Answer, in which is also the return of the Class-Books and standards of that College by its President, whence we have likewise the Commentaries of their Class-Book on Scripture, Menochius; their standard of reference, Maldonatus; their Class-Book of Canon Law, Cabbasutius; and their standard of reference, Reiffenstuel; also the evidence of Dr McHale and Dr Slevin as to Canon Law, and Van Espen, as to its mode of promulgation. We have also from No. 6 the evidence of the Document lodged in the Bodleian, proving that Dens was printed in 1814 for the R. C. Bishops—made the Conference-Book for Ireland, and read in five colleges. And in No. 17 we have the Reference to the Parliamentary Reports of 24 and 25, and of the *Report of the Committee on Foreign States, &c. &c.*

under the Patronage of the Roman Catholic Bishops and Priests of Ireland, as the Authorized Interpretation of the Church, and the Infallible Guide to everlasting life. With a Preface embodying the facts and documents connected with the publication of both editions, Dr Troy's and Dr Murray's denial of them, the list of Subscribers throughout Ireland, the list of certain Notes suppressed in some copies of the Second Edition; with a Copious Index referring to all the principles of the Church of Rome worthy of remark in the notes, which appear utterly subversive of the Gospel of Christ, and of all Christian charity among men. By the Rev. Robert J. M'Ghee, A.M.

"Ye blind guides, which strain at a gnat and swallow a camel." Matt. xxiii. 24.

"Full well ye reject the commandment of God, that ye may keep your own tradition." Mark vii. 9.

Dublin. Richard Moore Tims, Grafton St. ; Hatchard and Son, Piccadilly ; R. H. C. Tims, Wigmore Street ; Simpkin and Marshall, London. 1837.

No. 8.

A Development of the Cruel and Dangerous Inquisitorial System of the Court of Rome in Ireland, and of its particular operations in the case of the Author, the Rev. L. Morrissy, Parish Priest of Oning and Templeorum in the Diocese of Ossory and County of Kilkenny, and Roman Catholic Chaplain to His Majesty's prisons in Dublin.

Subditi vitia Prælatorum reprehendere studiant. "Let subjects be particular in reprehending the vices and correcting the abuses of Prelates."—Pope Gregory XIII.

Dublin : Printed for J. O. Bonsall, 29 Dawson St. ; B. Dugdale, 6 Dame St. ; M. Watson, 2 Capel St. ; M. Keene, 6 College Green ; C. P. Archer, Dame St. ; R. M. Tims, Grafton St. ; J. Charles, Mary St. ; Archer and Burnside, Capel St. ; R. Milliken, Grafton St. ; Kempston, L. Sackville St. 1821. pp. 66.

Second part of same work, with similar title-page, pp. 257. Bound in one Vol.

Dublin : Printed for C. P. Archer, Bookseller to His Majesty, and sold by M. Watson, 2 Capel St. ; M. Keene, 6 College Green ; R. M. Tims, Grafton St. ; J. O. Bonsall, Dawson St. ; La Grange, Nassau St. ; C. Bentham, Eustace St. ; and Burnside, Capel St. 1822.

No. 9.

Two Pamphlets bound in one Vol.

Title of first :

Sanctissimi Domini Nostri Gregori Divina Providentia Papæ XVI. Epistola Encyclica ad omnes Patriarchas Primate Archiepiscopos et Episcopos.

Dublinii: Ex Typ. Richardi Coyne in Via vulgo dicta Capel Street, Typog. et Bibliop. R. Coll. Maynooth. Cum approbatione Ordinarii. M.DCCC.XXXII.

Title of Second :

A Pastoral Address to the Catholic Clergy of the Diocese of Dublin. By Daniel Murray, D.D. &c. &c.

Dublin: Printed by Richard Coyne, 4 Capel Street, Printer and Bookseller to the Royal College of St Patrick, Maynooth, and Publisher to the R. C. Bishops of Ireland. M.DCCC.XXXVI.

No. 10.

The Case plainly stated and proved of The Papal Laws established over Ireland. In a Speech delivered to the Electors of the University of Dublin, on Wednesday, 8th January, 1840. By the Rev. Robert J. M'Ghee, A. M. Minister of Harold Cross Church.

"And upon her forehead was a name written, MYSTERY, Babylon the Great, The Mother of harlots and abominations of the earth. And I saw the woman drunken with the blood of the saints, and with the blood of the martyrs of Jesus: and when I saw her, I wondered with great admiration. Rev. xvii. 5, 6.

Dublin: Published for the Author, by S. J. Machin and Company, 8 D'Olier St. Sold by all Booksellers. 1840.

No. 11.

An Essay on the Catholic Claims, addressed to the Right Honourable the Earl of Liverpool, K. G., &c. &c. &c. By the Right Rev. James Doyle, &c. &c. &c. To which is added, The Pastoral Address and Declaration of the Roman Catholic Archbishops and Bishops of Ireland.

Dublin: Printed by Richard Coyne, 4 Capel St. Printer and Bookseller to the Royal College of St Patrick, Maynooth, and Publisher to the R. C. Bishops in Ireland. Published in London by J. Booker, Bond St. 1826.

Nos. 12 and 13.*

Two Vols. containing the Directories of the Irish Priests, from 1830 to 1840 inclusive. The title-page of each with the exception of the date is as follows:

Ordo Divini Officii recitandi Missamque Celebrandi, in usum venerabilis Cleri Sæcularis Hibernici, pro Anno M.DCCC.XXX. Jussu Illmi. et Rmi. Archiepiscopi Dubliniensis a Patritio Woods, Presbytero, dispositus et a Clero suo unice servandus.

“Benedicite Sacerdotes Domini Domino, Benedicite Servi Domini Domino.” Daniel. 3. c.

Dublinii: Ex Typis Richardi Coyne, 4 Capel St., Typ. et Bibliop. R. C. Coll. S. Patricii, Maynooth.

No. 14.*

Constitutiones Provinciales et Synodales Ecclesiæ Metropolitanæ et Præmialis Dublinienses. Anno 1770.

N. B. This book has not the name of any printer.

No. 15.

Statuta Diœcesana per Provinciam Dublinensem observanda et a RRmis. DDDD. Daniele Murray Archiepiscopo Dubliniensi, Jacobo Keating Episcopo Fernensi, Jacobo Doyle Episcopo Kildarensi et Leighlinensi, et Gulielmo Kinsella Episcopo Ossoriensi—in suis respective Synodis Diœcesanis Edita et Promulgata Hebdomada quarta Mensis Julii, A. D. 1831.

Dublinii: Ex Typ. Richardi Coyne, In Via vulgo dicta Capel Street, Typog. et Bibliop. R. Coll. Maynooth. M.DCCC.XXXI.

No. 16.

The Diocesan Statutes of the Roman Catholic Bishops of the Province of Leinster: exactly reprinted, with Translations and Notes on

* Nos. 12 and 13.—These books are a sort of annual almanack for priests, having their offices marked in them. They are cast aside as soon as used, and none but old copies could be procured of most of them. Several of these have been used by the priests, as is evident from examining them: they contain the questions of Conferences taken from Dens.

† Nos. 14 and 15.—These are the Secret Statutes of the R. C. Bishops. A copy of the latter was bought in, at the sale of a priest's books in Dublin, for £7. 10s., to prevent it from falling into any hands but those of a priest.

These books, and Nos. 1, 2, 3, 4, 12 and 13, could not be procured for any sum.

the Confessional and Priests' dues. Also demonstrating their adoption of Dens's Theology as the Standard for the instruction of the Roman Catholics of Ireland. By the Rev. Robert J. M'Ghee, A.M.

"And upon her forehead was a name written Mystery, Babylon the Great, The Mother of Harlots and Abominations of the earth." Rev. xvii. 5.

Published by R. B. Seeley and W. Burnside, and sold by L. and G. Seeley, Fleet Street, London. M.DCCC.XXXVII.

No. 17.

The Nullity of the Government of Queen Victoria in Ireland, or, The Pope the Virtual Ruler of the Land. Being an exhibition of the Laws of the Papacy, set up by the Romish Bishops to subvert the Authority of their Lawful Sovereign, in 1832. By the Rev. Robert J. M'Ghee, A.M. Minister of Harold's Cross, Dublin. Second Edition, greatly enlarged.

"Atque ego ut vidi, quos maximo furore et scelere esse inflammatos sciebam, eos nobiscum esse et Romæ remanisse: in eo omnes dies noctesque consumpsi ut quid agerent, quid molirentur, sentirem ac viderem; ut quoniam auribus vestris propter incredibilem magnitudinem sceleris, minorem fidem faceret oratio mea, rem ita comprehenderem, ut tunc demum animis salutis vestræ provideretis cum oculis malificium ipsum videretis." CÍCERO, in *Catal.* II.

London: Messrs. Seeley and Burnside. Grant and Bolton; Tims; Curry and Co., Dublin. M.DCCC.XLI.

No. 18.

Dottrina Cristiana Breve composta per ordine de Pape Clemente VIII. Dal R. P. Roberto Bellarmino, della Compagnia de Gesu, poi Cardinale de Santa Chiesa. Reviduta ed approvata dalla Congregazione della Riforma. In Roma 1836. Presso Pietro Aurelj Stampatore e Librajo in Via de' Sediari N. 24. Con licenza de' Superiori e Privilegio si vende dal medesimo Librajo Sciolta baj. 2. legata in Cartoncino baj. 3.

The Original and Translation on opposite pages.

London; R. B. Seeley and W. Burnside. 1839.

No. 19.

Theologia Moralis ad Usum Seminariorum. Auctore Ludovico Bailly, Sacrae Facultatis Parisiensis Baccalaureo Theologo, Professore Theologiae emerito, Divionensis Ecclesiae Canonico.

Tomus I. De Actibus Humanis, de Conscientia, de Legibus, de Virtutibus, et de Peccatis.

Dublinii: Ex Typog. Hugonis Fitzpatrick, Typ. et Bibliop. R. C. Coll. Maynooth. M.DCCC.XIII.

No. 20.

Title-page wanting to 2nd Vol. of Bailly's Moral Theology. The title from another copy is as follows :

Theologia Moralis, ad Usum Seminariorum. Auctore Ludovico Bailly, &c. &c. &c.

Tomus II. De Præceptis Decalogi, cum Appendice de præceptis Ecclesiae, et de Obligationibus Clericorum.

Dublinii: Ex Typog. Richardi Coyne, Typ. et Bibliop. R. C. Coll. Maynooth. M.DCCC.XXIX.

No. 21.

Theologia Moralis ad Usum Seminariorum. Auctore Ludovico Bailly, &c. &c. &c.

Tomus III. Part. 1. *De Simonia, de Censuris, et Irregularitatibus.*

Dublinii: Ex Typog. Richardi Coyne. M.DCCC.XXVIII.

Part 2. Title-page the same, but the contents are : De Jure, de Justitia, de Contractibus.

No. 22.

Theologia Moralis ad Usum Seminariorum. Auctore Ludovico Bailly, &c. &c.

Tomus IV. De Ordine, et De Matrimonio.

Dublinii: Ex Typog. Richardi Coyne, in Via vulgo dicta Capel Street, Typog. et Bibliop. R. C. Coll. Maynooth. 1829.

No. 23.

Theologia Moralis ad Usum Seminariorum. Auctore Ludovico Bailly, &c. &c. &c.

Tomus V. De Baptismo, de Confirmatione, de Extrema Unctione, de Gratia Dei, et de Deo, &c.

Dublinii: Ex Typog. Hugonis Fitzpatrick, Typ. et Bibliop. R. C. Coll. Maynooth. M.DCCC.XV.

No. 24.

Tractatus de Ecclesia Christi ad usum Theologiæ Candidatorum. Accedunt duæ Appendices de Traditione et Conciliis Generalibus. Autore Lud. Ægid. Delahogue, Sacr. Fac. Paris. Doctore Socio Sorbonico in Scholis Sorbonicis emerito Theologiæ Professore; nunc in R. Catholico S. Patricii Collegio emerito Dogmaticæ Theologiæ Professore.

Dublinii: Ex Typ. Hugonis Fitzpatrick in Via vulgo dicta Capel Street, Typ. et Bibliop. R. C. Coll. Maynooth. M.DCCC.IX.

No. 25.

Tractatus De Religione ad Usus Theologiæ Candidatorum. Autore Lud. Ægid. Delahogue, &c. &c. &c.

Dublinii: ex Typ. Hugonis Fitzpatrick, in Via vulgo dicta Capel Street, Typ. et Bibliop. R. C. Coll. Maynooth. M.DCCC.VIII.

No. 26.

Tractatus de Sacramentis Pœnitentiæ ad Usus Theologiæ Candidatorum. Tres accedunt Appendices de Purgatorio et de Censuris. Autore Lud. Ægid. Delahogue, &c. &c. &c.

Dublinii: Ex Typ. Hugonis Fitzpatrick, in Via vulgo dicta Capel Street, Typ. et Bibliop. R. C. Coll. Maynooth. M.DCCC.XIII.

No. 27.

Tractatus de Sacramentis in Genere ad Usus Theologiæ Candidatorum, Autore Lud. Ægid. Delahogue, &c. &c. &c.

Dublinii: Ex Typ. Richardi Coyne in Via vulgo dicta Capel Street, Typog. et Bibliop. R. C. Coll. Maynooth M.DCCC.X.

No. 28.

Tractatus de Mysterio SS. Trinitatis ad Usus Theologiæ Candidatorum. Autore Lud. Ægid. Delahogue, &c. &c. Secunda Editio ab Autore revisa.

Dublinii: Ex Typ. Richardi Coyne, in Via vulgo dicta Capel Street, Typog. et Bibliop. R. C. Coll. Maynooth. M.DCCC.XXII.

No. 29.

The Complete Catholic Directory, Almanack and Registry, for the year of our Lord, 1840.

[The Contents of the Directory or Registry are specified, but they are unnecessary to print here.]

Compiled by W. J. B.

Dublin: Printed for the Proprietor, by John O'Sullivan, 16 Lower Exchange Street, and sold by all the Catholic Booksellers in the city. [Many other names given of country booksellers.]

No. 30.

Charity and Truth, or Catholics not uncharitable in saying that none are saved out of the Catholic Church. By the Rev. Dr Edward Hawarden, Author of the celebrated work entitled "The True Church of Christ shewn."

Dublin: Printed by R. Coyne, Bookseller, 154 Capel Street. 1809.

No. 31.

Pamphlets bound in one Vol.

1. *Nature and Obligation of Oaths in the Church of Rome considered.*

2. *Dr. Doyle's Letter to Lord Farnham, with Answer and Challenges.* By the Rev. R. J. M'Ghee and the Rev. Robert Daly*, 1832. Dublin.

3, 4, 5. *Speeches in London and Dublin on the Character, Principles, and Endowment of Maynooth.*

6. *Answer to Archbishop Whately's Charge on Endowment of Maynooth.*

7. *Answer to the Earl of Arundel and Surrey on Allegiance of the Church of Rome.*

8. *Novelty of the Creed of Romanism exposed.*

9. *The Rejected Memorial, an Appeal to the Earl of Clarendon on the Papal Laws in Ireland.* By the Rev. R. J. M'Ghee, A.M.

* Now Bishop of Cashel.

The authority for the following books, cited in this Report, is found in the Appendix to the 8th *Report of the Commissioners of Irish Education Enquiry*, pp. 449—450; the list of books being returned to the Commissioners by Dr Crotty, President of the College of Maynooth.

APPENDIX. No. 66.

"A List of the Books used in the different classes of the Roman Catholic College of Maynooth, and which the students are obliged to procure at their own expense."

Among these are:

"*Sacred Scripture and Hebrew* :—The Holy Bible and the Commentaries of Menochius."

"*Divinity* :—Delahogue's Dogmatic Tracts, 5 Vols. 12mo. Bailly's Moral ditto, 5 Vols. 12mo."

"*Dunboyne (or Senior) Scholars* :—The Theological tracts above mentioned and Cabassutius on the Canon Law."

The above Theological Works are in these Documents, Bailly, No. 19 to 23; Delahogue, No. 24 to 28; Menochius is quoted Report, p. 52; Cabassutius is quoted Rep. pp. 72—74.

APPENDIX. No. 67.

"A List of the Works recommended by the Professors of the Roman Catholic College of Maynooth, for the perusal of the students, or referred to by them in the course of their Lectures."

Among those recommended by "The Professor of the Dunboyne Establishment" are '*Canon Law*,' '*Van Espen*,' and '*Reiffenstuel*.'

Van Espen.—See Rep. pp. 87—89.

Reiffenstuel.—Rep. pp. 77—78.

"By the Professor of Sacred Scripture," among others, "*Maldonatus*." See Rep. p. 53.

"By the Professor of Logic, Metaphysics and Moral Philosophy." First on the list is "*St Thomas Aquinas (Secunda Secundæ)*." See Report, *passim*.

Dens's Theology is the compendium of this work. The edition of which by Coyne, 1832, is in the University Library.

Certificate of the Report from Oxford.

"WE, the undersigned, having carefully examined the Report printed in London, 1852, on the Documents of the Church of Rome, deposited in the Bodleian Library, 1840; and having compared all the extracts from these important documents cited in that Report with the original works, do hereby certify that these extracts are accurately and fairly made, and convey, as far as they go, the true and just meaning of the works from which they are respectively taken, on the several subjects on which they are cited in the Report.

"JOHN DAVID MACBRIDE, D.C.L.
Principal of Magdalen Hall.

"R. GANDELL, M.A.
Assistant Tutor Magdalen Hall."

Oxford, April 23, 1852.

Certificate of the Report from Trinity College, Dublin.

"WE, whose names are hereto subscribed, having examined a book entitled '*A Report on the Books and Documents on the Papacy, deposited in the University Library, Cambridge, the Bodleian Library, Oxford, and the Library of Trinity College, Dublin, A.D. 1840.*' Printed at London, and published by Partridge and Oakey, 1852. Said books and documents having been examined under the permission of the Provost and Senior Fellows, do hereby certify that the several extracts contained in the above report, having been carefully compared with the books and documents deposited in the Library of Trinity College, Dublin, have been fairly made, and do accurately correspond with the same.

"JOSEPH HENDERSON SINGER, D.D.
Archdeacon of Raphoe, and Regius Professor
of Divinity, Trinity College, Dublin.

"GEORGE SYDNEY SMITH, D.D.
Professor of Biblical Greek, Trinity College,
Dublin, and Rector of Aghalurcher.

"S. BUTCHER, D.D., F.T.C.D.
Professor of Ecclesiastical History, Trinity
College, Dublin."

Trinity College, March 25, 1852.

A REPORT,

&c.

THE following analytical investigation of "THE BOOKS AND DOCUMENTS ON THE PAPACY," deposited in the University Library at Cambridge, will be found, it is hoped, strictly correct, and prove satisfactory to those who have signed the requisition which has led to it.

We are enabled to ascertain from them the system of instruction authoritatively inculcated on the Roman Catholic priests, and through them on the Roman Catholic population, by the Bishops of the Church of Rome in Ireland.

It is therefore proposed to consider them, for the sake both of brevity and perspicuity, under three heads :

- 1st. Moral and Dogmatic Theology.
- 2nd. Scriptural Instruction—that is, the sense of the holy Scripture conveyed to the people as the interpretation of their Church, which they are bound to receive.
- 3rd. The ancient Canon Law, proved by these Documents to be cited as being in force in their books of authority; and that more recent code which their Bishops have put in operation to rule the Roman Catholics of Ireland.

[NOTE. The Catalogue of these Documents being prefixed to this Report and numbered as they stand in the Bookcase in the Library, are referred to according to their respective numbers, and preclude the necessity of constant references to their titles in footnotes.]

CHAPTER I.

MORAL AND DOGMATIC THEOLOGY.

THE Document No. 14, containing the Provincial and Synodal Constitutions of the Metropolitan Church of Dublin from the year 1624 to the year 1761, printed 1770, proves, (p. 11), that the bishops obliged all who have cure of souls

“to keep always in their possession some approved summary of Cases of Conscience, in which they were daily to study one or more cases, that by the aid of this frequent study they might be the better able to direct the consciences of the people committed to their charge.”

It is proved by the same Document, pp. 96, 97, that the bishops commanded all who have a cure of souls, under penalty of fine or suspension, to hold conferences in moral theology and controversies on the faith, every month in the year, except those of December, January, February, and March.

The next Document connected with this is No. 15, the “Diocesan Statutes to be observed throughout the province of Dublin, by Dr Daniel Murray, Archbishop of Dublin; James Keating, Bishop of Ferns; James Doyle, Bishop of Kildare and Leighlin, and William Kinsella, Bishop of Ossory,” published in the month of July 1831.

It is to be observed that this book appears to have been kept studiously concealed. We find in it, (pp. 48, 49), that if a parish-priest should be dangerously ill, the rural dean shall visit him, and that amongst other precautions which are specified, he shall take possession of his copy of this book of the Statutes, and shall carry it home with him. It appears too from Document No. 6, p. 501, that a copy

of this book, valued about 2s. 3d., was bought in for a priest, at a public auction, at the price of £7. 10s.

By these Statutes all the former "Diocesan Statutes," published in that diocese, are formally abrogated (pp. 186, 187), but the same instructions to the priest are found in both (see p. 32).

"We enjoin therefore that each and every Priest shall have in his possession some work of Moral Theology, in which he shall very frequently, and even every day if possible, attentively read at least one chapter or title, that, being aided by this frequent study, he may be the better able to direct the consciences of the people committed to his charge, for whom he is to render an account to God in the Day of Judgment."

Again, adverting to this command, p. 44, this book proceeds:

"Therefore that the Clergy may not be deficient in acquiring a knowledge so necessary for them, and that we ourselves may be made certain that they are amply instructed to fulfil duly and worthily the grave offices imposed on them as Pastors and Confessors, we enjoin that Conferences in Theology may be held every year, in the first or second week of the months of July, August, September, and October, at which conferences all the Priests subject to us are bound to be present, and if they are interrogated in the subject-matter to be discussed, to render an account of it; and if any priest shall be absent from two conferences in the same year, without licence in writing from the Ordinary or Vicar-General, we declare him suspended *ipso facto*. The Questions to be discussed in each conference shall be announced in the *Dublin Directory* of every year, and the Rules by which the conferences are to be directed may be found in the first Appendix."

On referring to this Appendix at the end of these Statutes, p. ii, it is again stated as follows: "The subject-matter for the Conference in each year will be published in the Directory." We therefore proceed to Nos. 12 and 13 of these Documents, which contain the Dublin Direc-

tories of the priests herein referred to, from the year 1830 to 1840 inclusive. And in referring to the Directory 1831, p. 81, published in the same year with these provincial Statutes, we find the following announcement at the head of the questions of Conference for that year :

“ In obedience to the commands of the Most Illustrious and Most Reverend the Archbishop and Bishops of the Province of Leinster, we shall discuss the treatises, from the author Dominus Dens, *of human acts* in two conferences ; *of sins*, in one conference ; and *of conscience* also in one conference, in the year 1831.”

Then follow the questions of Conference extracted from Dens's *Theology*, which appear to be continued from Dens in all the subsequent Directories till 1840.

From these Documents the following facts are plain :

1st. That Dens's *Theology* was the book appointed by these bishops in their Provincial Synod, which their priests were to study as the guide for directing the consciences of the people.

2nd. That Dens's *Theology* was appointed by these bishops for their Conferences, in which the proficiency of the priests in this book for the above purpose was to be ascertained.

Before advertng to any of the principles contained in this system of Theology, it appeared advisable to ascertain if the Documents afforded any information as to the introduction of the work into Ireland as the standard of instruction for the priests, selected and authorized by the Roman Catholic bishops.

For this purpose our attention is directed in Document No. 10, page 32, to the Eighth Report of the Commissioners of Irish Education Inquiry, dated London, 2nd June, 1827, containing p. 46 a letter written by the Cardinal-prefect of the Propaganda, to the trustees of the College of Maynooth, bearing date the 6th of July, 1796, the next year

after its erection—in which the Cardinal-prefect directs that on those points in which “*Salva fide et pace*,” there is a dispute in the Church of Rome, they are to follow as their “guides and masters,” Augustine and Thomas Aquinas. It is stated that

“Under the guidance of these men, the excessive and too relaxed facility of some persons in delivering rules of morals shall be so avoided, that the mildness and sweetness of evangelical charity may never be separated from that salutary severity which is peculiar to the Christian institution.”

This letter is responded to on the 17th of November next ensuing, in a Document bearing the signatures of the four Roman Catholic archbishops and seven bishops, repeating the words of the Cardinal-prefect’s letter respecting these authors, and pledging themselves to “follow them as their guides and masters in questions of this kind.”

The points in this dispute, “*Salva fide et pace*,” are those of the Gallican liberties as opposed to the Ultramontane doctrines; namely:

1st. That the Pope has no power to interfere, directly or indirectly, in the affairs of temporal kingdoms, and no power of dissolving an oath of allegiance.

2nd. That the Pope is not superior to a General Council.

3rd. That the power of the Pope is to be regulated by the received Canons of the Church.

4th. That the Pope is not infallible, even speaking *ex cathedra*.

The doctrines of Thomas Aquinas being opposed to the Gallican Church on these points, it is in this respect that the Cardinal-prefect commands the Roman Catholic prelates to follow Augustine and Thomas Aquinas, and that they pledge themselves accordingly to do so.

The *Theology* of Dens professes to be an enlarged and accurate edition of a work on moral and dogmatic theo-

logy, "ad mentem SS. Augustini et Thomæ exposita" (*Approbatio*, Tom. iv. Ed. Dub. 1832), and constitutes therefore that system which the Cardinal-prefect ordered, and the Roman Catholic Prelates engaged, to teach the students for the Irish Priesthood.

Accordingly, in the Directory for the Priests of the year 1832 (Documents, No. 12), in an advertisement of Coyne, bookseller to the College of Maynooth, who printed the Directory, and the books which he mentions, we find it stated that, in the month of September, 1808, the Roman Catholic Prelates of Ireland in assembly, "unanimously agreed that DENS'S COMPLETE BODY OF THEOLOGY was the best book on the subject that could be republished, as containing the most secure guidance for such ecclesiastics as may, by reason of the peculiar circumstances of this country, be deprived of the opportunity of referring to public libraries, or consulting those who may be placed in authority over them." That, "in consequence, an Edition of the work was ordered to be printed by the PRESENT PUBLISHER, to the number of 3000 copies," that is, by the same man who published the Edition of 1832; thus carrying out the pledge given to the Cardinal-prefect of the Propaganda in November 1796. We find this testimony corroborated by the evidence contained in Document No. 30, a book entitled "*Charity and Truth*," printed by the same publisher in the year 1809, at the end of which, among his list of forthcoming publications, he announces "*Dens's Complete Body of Theology, publishing for the Roman Catholic Bishops of Ireland.*"

We find in No. 6, p. 427, a reference to another work published by the same person in the year 1814, in which, in his catalogue of publications, he announces the work as completed thus:

"DENS'S COMPLETE BODY OF THEOLOGY, in 7 Vols. 12mo.

price £3. *This comprehensive work is now read in the Colleges of Carlow, Waterford, Limerick, Cork, and Cove. It has been adopted by the Catholic Bishops as the safest and best work extant, and from which the respective conferences of each Diocese are taken."*

The Book, where this advertisement is found, is stated in No. 17, p. 350, to be lodged in the Bodleian.

Although there can be no reasonable doubt of this publisher's testimony, as he is announced in the Directory above referred to, as "Bookseller and Printer to the Royal College of St Patrick, Maynooth, and Publisher to the Catholic Bishops of Ireland," yet his evidence is still further established by that of a Roman Catholic priest, whose remarkable work (No. 8) is entitled "*A Developement of the cruel and dangerous Inquisitorial System of the Court of Rome in Ireland,*" by the Rev. L. Morrissy, in two parts, Dublin, 1821 and 1822. In part 1st, p. 52, he states some questions from the printed Conferences of the Diocese of Ossory in 1815, which are to the same effect as those taken from Dens in the Conferences of the Province of Leinster, 1832, and informs us, part 2, p. 244, that this work of Dens was reprinted in Dublin, "highly recommended by the Bishops," and "distributed among the Roman Catholic clergymen throughout Ireland," and he gives copious extracts from it.

From the above Documents therefore it appears:

1st. That in 1796 the Cardinal-prefect of the Propaganda ordered a Course of Theology of the Ultramontane school to be adopted in the instruction of the Candidates for the Irish Priesthood.

2nd. That in the same year the Members of the Roman Catholic Hierarchy of Ireland, who were the trustees of Maynooth, responded, pledging themselves to adopt this course.

3rd. That in 1808 the whole body of the Roman Catholic Hierarchy unanimously adopted the Theology of Dens, which is a work strictly according to that pledge, as the best guide for the Priests of Ireland, ordering 3000 copies of that work to be printed.

4th. That it was being printed according to this order in 1809.

5th. That it had been completed in 1814.

6th. That it was then read in the Colleges of Carlow, Limerick, Waterford, Cork, and Cove; and was the Conference Book for the Roman Catholic Priests in every Diocese of Ireland.

7th. That in the year 1831 it was made, according to the evidence above cited, by Dr Murray, Roman Catholic Archbishop of Dublin, and his Suffragan Bishops, the standard by which the Priests were to be indoctrinated "to direct the consciences of the people;" that they made it therefore the Conference Book for their Province; and that the subjects of these Conferences were taken from that author according to the Questions of Conference found in their Directories as ordered by the Bishops from the year 1831 to 1840 inclusive.

In the Document No 6, p. 427, it is remarked that while this Book of Dens, is asserted to have been read in all the Roman Catholic Colleges, Maynooth is excepted, on the ground that that College was open to the inspection of Protestants; and on referring to the Class-Book of Dogmatic Theology taught in Maynooth, No. 24, Delahogue, *De Ecclesia*, we find that the object of that Class-Book seems to have been not to teach the Gallican doctrines, but to shew that they *may be held* in the Church of Rome. It is stated, p. 363, that the object is

"only to exhibit that which appertains to Catholic Doctrine; and to prove that in all things which the Church proposes to be

believed of the Primacy of the Roman Pontiff, there is nothing whatever which can offend Protestants."

And in page 325, having proposed the question whether the Pope is infallible and superior to General Councils? the writer proceeds not to teach whether he is so or not, but, as he says, "to vindicate that which Catholics are bound to declare in Ireland in the form of an oath." Then he cites the clause of this oath :

"I declare that it is not an article of the Roman Catholic faith, neither am I thereby required to believe or profess, that the Pope is infallible."

He adds :

"This declaration, which is exacted from the Catholics of Ireland, manifestly proves how much the doctrine of the Infallibility of the Pope offends the minds of Protestants. Since therefore they do not cease to object it to Catholics, and seem very anxious as to the unhappy consequences of this opinion, which they imagine to themselves would result against political order, it belongs to the interest of the Church that we should place that which is most true beyond all doubt, namely, that it can be denied without any mark of error in faith, or of schism, that the Pope is infallible, or superior to the Œcumenical Councils."

Then having stated the question between the Ultramontanists and Gallicans, he lays down the proposition p. 386 :

"*Salva fide et sine ulla erroris aut schismatis nota, negari potest Romano Pontifici, etiam ex cathedra loquenti, inerrantiæ donum competere, atque illum esse ipsis conciliis generalibus superiorem.*"

He proves from various authorities, what some believe and some deny on the subject ; but he does not give dogmatic instruction to the pupils as to what ought to be believed and taught in the college, or to the people.

This seems important, because the Ultramontane doc-

trine of the Pope's Infallibility being taught in the work of Dens, which is proved to be the real standard of instruction for the Priests to guide the consciences of the people, it appears that in this College, and in the Oath of Allegiance quoted, and in other documents to which we shall have to advert, it was held sufficient to state that the doctrine of the Pope's Infallibility is not a necessary dogma of the Roman Catholic Church, and to leave the inference to be drawn, as it naturally would, that those who stated it so, did not hold this doctrine themselves. The Class-Books of Maynooth speak of the Pope's Infallibility, as an open question in the Church: meaning thereby that a section of the Church, namely the Gallican, reject it. But what the opinion and teaching of the Irish branch of the Romish Church on this and other mooted points really is, must be ascertained by an investigation of Dens, and the other documents before us. On this scrutiny we now propose to enter.

I. ON THE CHIEF PONTIFF.

We find on this subject, Vol. I. p. 4:

That "if the Pope declares anything *ex cathedra* relating to faith or morals, a certain and infallible argument is deduced from such a definition; and though the French (Galli) and other moderns impugn his Infallibility, nevertheless they establish their own conclusions on similar definitions as being certain."

In the 2nd Volume the subject is more largely treated.

From page 147 we find the Numbers treat *De Summo Pontifice*.

Tract 90 commences:

"Q. What is the Chief Pontiff?

"A. He is the Vicar of Christ on earth, and the visible head of His Church."

Again :

“ Q. Who is called the Chief Pontiff, and why ?

“ A. The Roman Pontiff, not only because he possesses supreme honour and dignity in the Church, but chiefly, because he holds the highest and universal authority, power and jurisdiction over all Bishops and over the Universal Church.”

Again, No. 93, p. 154; it is asked :

“ Q. From whom does the Chief Pontiff lawfully elected receive his power and jurisdiction ?

“ A. He receives it immediately from Christ as His Vicar, as Peter received it.

* * * * *

“ Q. From whom do Bishops receive their power of jurisdiction ?

“ A. The French (Galli) maintain that they receive it immediately from Christ ; but it appears that it ought to be said, that they receive it immediately from the Roman Pontiff, because the government of the Church is monarchical.”

Again, it is demanded p. 155 :

“ What power has the Roman Pontiff ?

“ We answer with St Thomas, 3 *part. Quæst. 72, Art. 11, ad 1* :—‘ The Pope has plenitude of power in the Church, so that his power extends itself to all persons who are in the Church, and to all things which relate to the government of the Church.’

“ This is proved from what has been said before, because the Roman Pontiff is the true Vicar of Christ, the Head of the whole Church, the Pastor and Doctor ; therefore &c. Hence it follows that all the faithful, even Bishops and Patriarchs, are bound to obey the Roman Pontiff, also that they must obey him in all things which concern the Christian religion, and therefore in faith and morals, in rites, ecclesiastical discipline, &c.

“ Hence falls to the ground that perverse fiction of the followers of Quesnel, namely, that the Pope is not to be obeyed except in those things which he commands according to Holy Scripture.”

It is then asked :

"Does the Pope possess not only a directive but also a compulsory power over all the faithful?"

"We answer in the affirmative; because in Matt. chap. xvi. the power of binding is given to Peter and his successors, which pertains to compulsory power. Perpetual custom also confirms this: hence the power of suspending, excommunicating, &c. is competent to the Chief Pontiff."

As the power of the Pope is said "to extend itself to all persons who are in the Church," it may be proper here to ascertain the doctrine taught in the Church of Rome on this subject, as the natural conclusion of those unacquainted with that doctrine would be, that his power extended only over persons who were born Roman Catholics, or those who chose voluntarily to submit themselves to the authority of the Church of Rome. But we find, besides in other places, the doctrine clearly laid down in this same Vol. II. p. 289, that this power is claimed over all baptized human beings.

"Heretics, schismatics, apostates, and all such like, being baptized, are bound by the laws of the Church which concern them, because they have been by baptism made subjects of the Church; nor are they more released from her laws than subjects rebelling against a lawful prince are released from the laws of that prince."

The next question as to the nature of this subjection indicates the authority that is claimed by the Pope.

"Q. Therefore do heretics sin when they do not observe the fasts and festivals appointed by the Church?"

"We answer in the affirmative, unless they may be excused by some cause, as for example, by ignorance."

"Obj. To this it is objected—Heretics are not in the Church, therefore they are not subjects of the Church."

"We answer by distinguishing the antecedent—Heretics are not in the Church as far as union of charity and the communion of saints—here the antecedent is granted."

"But they are not in the Church as to subjection—here the antecedent is denied—for they have been made by baptism subjects of the Church, and they remain personally subjected to the Church wherever they may be."

It is plain from this, that Protestants are accounted as much under the authority of the Pope as Roman Catholics, but with this difference, that while the latter are counted loyal subjects, the former are accounted rebels.

The same doctrine is laid down in the Class-Book of Dogmatic Theology of Maynooth, Document No. 24, Delahogue, *De Ecclesia*, where he says, p. 394 :

"The Church retains her jurisdiction over all apostates, heretics, and schismatics, although they do not now belong to her body, as the general of an army has a right of decreeing the severer punishments against a deserter who has been erased from his muster-roll."

Also in their Class-Book of Moral Theology, Bailly, Tom. i. p. 179, where the author says,

"Heretics are bound by the laws of the Church, because they are by baptism made subjects of the Church, nor are they more exempted from her laws than subjects who rebel against a prince."

The principle therefore seems throughout adopted and laid down, that Protestants of all denominations are considered as the legitimate subjects of the Pope, but in rebellion against him, and subject to his compulsory powers, whenever he can use them.

We now return to the power of the Pope.

The next Number, Dens, Tom. ii. p. 156, treats of the question "Whether the Pope is superior to a General Council?"

The question is explained thus :

"Q. It is demanded whether a General Council taken separately from the Pope, but nevertheless lawfully assembled, is above the Pope?"

"A. The French (Galli) hold the affirmative; but out of France it is commonly maintained that the Pope is superior to a General Council, so that he can transfer, dissolve it, &c."

The author proceeds to prove this by several arguments, which it is unnecessary to follow, as this one ascertains and fully states the principle.

The next Number, 96, p. 158, treats on

II. THE INFALLIBILITY OF THE POPE.

It states, p. 159 :

"The Pope is considered to speak *ex cathedra* when he speaks from the plenitude of his power, prescribing to the Universal Church something to be believed as a dogma by faith, or observed in morals, or accepted as good or religious."

Then admitting that the Pope or a General Council may err in mere facts—and that the Pope may err when not speaking *ex cathedra*, as for example, in writing a book, it asserts,

"The Chief Pontiff defining *ex cathedra* things pertaining to faith or morals is infallible, which infallibility proceeds from the special assistance of the Holy Ghost."

The proofs alleged it is not necessary to specify—nor the several objections anticipated and answered—they all are written to establish the principle.

The next Number treats of the question whether the Pope as a private individual can be a heretic? This, notwithstanding Marcellinus, Liberius, and Honorius, who are vindicated, is denied; and it is asserted, that the Pope not even as a private person can be a heretic.

Then in No. 98, p. 164, the subject is,

III. ON THE TEMPORAL POWER OF THE POPE.

Having asserted the Pope's temporal right over his own states, the question is asked :

“Whether the Pope has temporal power over all the kingdoms of the world?”

The author says in reply :

“There were some, as Bellarmine testifies, who affirmed that the Pope possessed by divine right full and direct plenitude of power over the whole world as well in temporal as in spiritual affairs ; but this opinion is rejected by all.”

He then gives the opinion of the great guide Thomas Aquinas.

“Bellarmine, Sylvius, and others, say that the Pope has not by divine right a direct power over temporal kingdoms, but an indirect—that is, when the spiritual power cannot be freely exercised, nor attain its end by spiritual means, then he can have recourse to temporal means, according to St Thomas, 2. 2. q. 10. a. 12, and q. 12. a. 2, who teaches that princes can sometimes be deprived of their sovereignty, and subjects liberated from their oath of allegiance, and that this has more than once been done by Popes.”

The author then states that the Gallican Church denies this, but it is clear that the Roman Catholic Prelates have bound themselves, as we have seen, to teach the principles of Aquinas, in opposition to those of the Gallican school.

In No. 10 of these Documents, p. 60, one of these quotations from Thomas Aquinas is extracted thus, quoting Greg. VII.

“We holding the statutes of our holy predecessors, absolve those who are bound by fealty or the sacrament of an oath to the excommunicated, by our apostolical authority, from the sacrament ; and we prohibit them by every means from observing fidelity to them till they come to make satisfaction.—But apostates from the faith are excommunicated, as also heretics, as saith the Decretal, &c. (citing the Canon Law) ; therefore princes apostatizing from the faith are not to be obeyed.”

Again in the same Article :

“And therefore as soon as any one is denounced by the

sentence of excommunication on account of apostasy from the faith, his subjects are *ipso facto* freed from his dominion, and the oath of allegiance with which they were bound to him."

It is necessary to mark carefully these treatises on the Pope, as they must be referred to again on considering the Canon Law.

CHAPTER II.

ON THE NATURE OF OATHS.

WE now proceed to consider the instructions of the Moral Theology of these bishops on oaths.

We find it laid down in the Moral Theology taught in Maynooth, Bailly, Vol. II. p. 119, (Documents, No. 20), in the treatise on the Commands of the Decalogue, that

“ A promissory oath obliges under penalty of mortal sin, unless a legitimate cause excuses; but there are many causes which prevent or take away the obligation of an oath.”

There are enumerated seven causes which prevent any obligation being induced by an oath, pp. 119, 120.

There are five enumerated which take away the obligation after it has been induced, pp. 120, 121.

To enter fully into them, and to consider how Casuistry might apply them, would require a long dissertation.

Among the former causes, the 7th one, which

“ excuses from the obligation of an oath, is the limitation of the intention of the swearer, either expressed or even tacit and understood, according to the disposition of the law or according to custom—for in every oath certain general conditions are included by law and custom—*ex. gr.* ‘*If you accept*’—‘*Unless you remit*’—‘*Saving the right of another, &c.*’ ”

On comparing this with the doctrine of Dens on Oaths, we find in Dens, Tom. iv. p. 216, who this other person is; for it is stated there, that in every oath this condition exists, “*saving the right of my superior.*” So that this appears to bring a limitation into the mind of the man who takes the oath, that it is taken subject to the authority of his priest or bishop.

Then among the causes "which take away the obligation of an oath," we find in the 4th, p. 121 :

"The oath being made void by him to whom the person who swears, or the matter of the oath is subject, thus the Superior of Regulars can validly, even without any cause, make void the oaths of his subjects."

The 5th cause is a "dispensation or commutation made by a superior."

Then having stated that "oaths made to God alone, can be commuted or relaxed by dispensation by a lawful superior"—the author adds, that

"A promissory oath, like a vow, made for the advantage of a third person, and accepted by him, cannot *generally* be relaxed or commuted even for the better by a superior without his consent, because by accepting the oath he has acquired a right to the thing promised ;"

but then he adds, that

"There are, however, four cases in which a promise even accepted by another can be relaxed or commuted."

"1st. According to St Thomas, 2. 2. quæst. 89. Art. 9,

"When it is doubtful whether the oath is valid or not valid, or the thing promised lawful or unlawful.

"2nd. When the public good is in question, which ought to be preferred to private.

"3rd. As a punishment of any crime committed by him who accepted it, if he treats about a matter which is subject to a superior.

"4th. On account of any injury done to the person who swears, as if the oath has been extracted by fear or fraud."

In all these cases an oath may be relaxed without the consent of the other party. Bailly, Tom. II. p. 122.

The author then states that "he will speak of those who can dispense in an oath when he comes to treat of Vows."

On proceeding to this treatise, p. 140, we see

PROPOSITION.

"There exists in the Church a power of dispensing in Oaths and Vows."

"This is proved, 1st, from the Scriptures, Matth. xvi., 'Whatsoever ye shall loose on earth shall be loosed in heaven.' These words, since they are general, signify not only the power of loosing the bands of sins, but also of vows and oaths."

"It is proved, 2ndly, *from the perpetual usage of the Church*, as appears from the Decretals of Gregory IX." pp. 140, 141, &c.

Further, in p. 145, it is said:

"You will ask what are just causes of dispensation from vows?"

(It has been stated that vows and oaths are the same in respect of dispensation).

The answer is,

"The following are enumerated:

"The honour of God.

"The utility of the Church.

"The common good of the commonwealth or of society, as when strifes which divide families are to be assuaged by a marriage; or an illustrious family that would be profitable to the kingdom is to be preserved.

"A moral danger of frequently violating the vow from frailty. Levity of mind.

"The spiritual good of the person who makes the vow.

"Perturbation of mind.

"Fear from which the vow was made.

"A notable difficulty supervening on the execution of the vow.

"A doubt as to its obligation or validity, and other things of that sort which can be referred generally to piety, spiritual utility, and necessity."

It appears then from this book that there are:

1st. Seven causes which prevent an oath from imposing any obligation.

2nd. Five causes which take away the obligation when imposed; of which dispensation is one.

3rd. Four cases in which an oath, even when accepted by another, may be relaxed without his consent; and there are here,

4th. Eight just causes of dispensation enumerated, and as many others as can be referred to piety, spiritual utility, and necessity.

This seems to render it hardly possible to determine the precise standard of moral obligation induced by an oath in the Church of Rome.

This book of Bailly is the Class-Book of Maynooth for training the consciences of candidates for the priesthood. The *Moral Theology* of Dens, by which the priests are indoctrinated "to direct the consciences of the people," speaks much the same language.

It is demanded in Dens, Tom. iv. p. 183, *De Juramento*,

"Whether a promissory oath is obligatory, contrary to the command of a superior?"

"This is answered by distinguishing, if the command precedes, the oath following is unlawful, and not obligatory. But if the oath shall have preceded the command, still the superior issuing a lawful command is to be obeyed, (according to cap. *Venientes de Jurejur.*), nevertheless it can bind previously to the command of the superior."

In p. 187, *De Juramento quod vergit in deteriorem exitum*, the author states:

"An oath of this sort is that of which we have spoken in the preceding number, which is extorted by unjust fear, not to seek a just dispensation from the oath; St Thomas teaches, 2. 2. quæst. 89. a. 7. ad 3, that such an oath, tending to an unfavourable issue, is not obligatory; because an obligation of this sort is contrary to public justice, and to the common good; because

robbers thus might injure without remedy ; and thus it is not a just subject for an oath."

When we go on to the modes by which the obligation of an oath is made void, (p. 214), we find the question,

"By what means can the obligation of a promissory oath cease ?

"A. Chiefly by these means :

"1 Making it void.

"2 By dispensation and relaxation.

"3 By commutation.

"4 By a change or subtraction of the matter.

"5 The total end completely ceasing.

"6 By reason of the condition not being fulfilled.

"7 The principal obligation ceasing, an oath purely accessory ceases.

"8 By non-acceptation, and condonation or remission.

"9 If the oath is likely to tend (*incipiat vergere*) to an unfavourable issue, or to the prejudice of the public good, or even of any individual, as if a person swore to conceal the theft of another, and the other would in consequence more freely proceed to other thefts.

"Also an oath ceases when it is directly obstructive of a greater good. St Thomas, 2. 2. quæst. 89. a. 9. ad 3. But similar modes may be referred to the mode by which the obligation of an oath ceases by the changing of the subject."

What is meant by this changing of the subject we learn in the next Section.

It is asked (p. 215) :

"Q. Who possesses the power of dispensing in an oath ?

"A. It principally belongs to the Chief Pontiff (St Thomas, 2. 2. quæst. 89. a. 9. ad 3), not, however, without a reasonable cause, because he dispenses in another's right; also it belongs of ordinary right to bishops, not to parish-priests; for this dispensation requires a power of greater jurisdiction."

In this page an objection, which certainly would arise naturally enough, is anticipated and answered.

Obj. The obligation of an oath is of natural and divine right; therefore it cannot cease by dispensation, commutation, or making void.

"It is answered by denying the consequence; because by dispensation &c. it is effected that that which was the subject of the oath, may not be the subject of the oath by subtracting it, prohibiting it, &c.; and so nothing is done contrary to the oath. St Thomas, 2. 2. quæst. 89. a. 9. ad 1. Hence, this condition is included in every oath, 'Saving the right of my superior.'" Dens, Tom. iv. p. 216.

This sentiment is still more explicitly laid down in the *Treatise on Laws*, Tom. II. p. 272, where dispensation from oaths is adduced by an objector as an argument to justify dispensation in the law of nature, which the author does not admit.

"Objection III. The obligation of an oath or a vow pertains to the Law of Nature, but nevertheless dispensations are given in them. *Ergo*, &c.

"This is answered by denying the consequence, because a dispensation is not granted in the obligation of a vow or an oath, the vow or oath remaining. But the vow itself or the oath is taken away or relaxed by the superiors of the Church in the place of God (*vice Dei*); and thus the obligation arising therefrom, spontaneously ceases by the removal of the subject."

The principle is reiterated in other words (Tom. II. p. 346):

"That the Church has the power of relaxing vows and oaths is proved from the general concession of Christ (Matt. xvi.): 'Whatsoever ye shall loose on earth,' &c. To this is added the perpetual practice of the Church. However, it is not properly called a Dispensation; but the subject is changed, inasmuch as God, by the superiors of the Church, renounces his own right, and thus the obligation spontaneously ceases."

In the next page it is stated:

"He who can grant a dispensation in his own law or in the law of another to those who are his subjects, can in the same

laws grant a dispensation to himself, since he is a part of the same community, and in no worse condition than his subjects. Vide St Thom. 2. 2. quæst. 185. Art. 8. in Corp." Dens, Tom. II. p. 347.

There is one case in which the violation of an oath is enjoined as a duty on a confessor. It is asked :

"What ought a confessor to answer, being interrogated as to a truth which he knew only by sacramental confession ?

"*A.* He ought to answer that he does not know it, and if necessary, to confirm the same by an oath.

"*Obj.* It is not lawful in any case to tell a lie ; but the confessor would lie, for he knows the truth : therefore it is not lawful for him.

"*A.* I deny the minor" (that is, that he knows the truth), "because such confessor is interrogated as a man, and answers as a man, but he does not know that truth as a man, although he knows it as God, saith St Thomas, q. 11. Art. 1. ad 3 ; and that sense is naturally included in the answer : for when he is interrogated or answers out of confession he is considered as a man." Dens, Tom. VI. p. 219.

A singular consequence results from this in a case stated in the same volume. The question proposed is,

"Whether it is lawful" (for a confessor) "to refuse a secret and hidden vote solely on the ground that the person to be elected is known to be unworthy only from sacramental confession ?"

This is answered in the negative. It is not lawful to refuse such vote.

An objection is made :

"Natural law prohibits a confessor to give a vote to an unworthy person, therefore he ought to deny him his vote.

"*A.* I draw a distinction in the antecedent. Natural law prohibits a confessor to give his vote to an unworthy person when he acts as a man : I grant it. When he acts as God, I deny it, for only so far it permits him." Ib. p. 237.

It certainly seems to us singular morality that a man, assuming the character of God, justifies the violation of an oath and an act of injustice, which is not lawful for a man to commit.

It is important, too, to observe some points respecting contracts and oaths, laid down by this moral theologist, which may throw some light on facts which have appeared to the public to imply a disregard for the obligation of oaths.

Amongst Protestants if a contract has been ratified by the solemnity of an oath it has been held binding, though the thing promised by the oath should be detrimental to the person who gave it.

An oath, for example, not to use any effort to subvert the Church Establishment, while it might be perhaps considered contrary to the interests of the Church of Rome to bind herself by such an obligation, yet, when the contract is confirmed by an oath, it was supposed to be binding on the conscience. But we find in the *Treatise on Contracts*, in the chapter "On an Oath concerning a contract," the following principles are laid down :

"If a contract is void or rescindible from positive primary right, and principally on account of the common good, such contract is not confirmed by an oath, nor is the oath itself valid, because both the oath as well as the contract is contrary to good morals, and so they are unlawful."

It is asked again :

"What is the difference whether contracts are valid from justice or only from religion ?

"A. There is a great difference : for if the obligation arises only from religion, when the oath is relaxed he is not bound to any thing."

It is asked again, speaking of an oath by compulsion :

"What if a person is further compelled to swear that he will not seek a relaxation of the oath ?

"A. That oath appears invalid, because such an oath would tend to an unfavourable issue; for although it might be lawful not to seek a dispensation, nevertheless an obligation not to seek it would be injurious to the common good, because then robbers might extort and injure without remedy." Dens, Tom. III. pp. 285, 286.

Hence we perceive that oaths not to seek dispensations from the Pope, demanded as a security for the obligation, were never for a moment considered binding on the conscience, since one part of an oath can be relaxed as well as another.

It would appear from these principles that the people whose consciences are directed by this code of moral theology, must be taught that any oaths they can give are to be in every sense subject to the interpretation of their spiritual guides, and to contain exactly whatever force of obligation they please to affix to them. And that, in fact, it would be impossible to compose an oath in any form of words that could induce an obligation according to the intention of the person who imposed the oath, seeing it is to be interpreted and relaxed solely according to the will and pleasure of that superior, whose right must be reserved in the conscience of him who takes the oath.

And the same principles which guide the superiors of the Church in dispensing with the oaths of other men, must necessarily guide them in exercising the power which they have in granting a dispensation to themselves.

A singular illustration of this is given in the case of Dr M^c Hale.

A declaration and oath given and signed by all the Roman Catholic Prelates of Ireland, when the object was to obtain emancipation, among whose signatures is that of Dr M^c Hale, is subjoined to Document No. 11, p. 302, in which they say :

“They also disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment, for the purpose of substituting a Catholic Establishment in its stead. And, further, they swear that they will not exercise any privilege, to which they are or may be entitled, to disturb and weaken the Protestant Religion and Protestant Government in Ireland.”

In Document No. 10, p. 53, an extract is given from a letter of Dr M^cHale, who subscribed this oath in 1826, to the Bishop of Exeter at a subsequent period, as follows :

“Far then from shrinking from any avowal of hostility to a system fraught with such injustice, I must frankly own that the Establishment has been, and shall continue to be, the object of every legal and constitutional opposition in my power. However irreconcilable you may deem such a declaration with the obligation of our oath, I must protest against your competency to expound its meaning, the guide for my theology.”

Dr M^cHale just states the difficulty which must occur to any person who takes the scriptures of truth, or the laws of conscience, as their standard for the obligation of an oath. Such a person must ever be at a loss to expound or measure moral or religious obligation according to the theology of the Church of Rome.

CHAPTER III.

DOCTRINES OF THE CHURCH OF ROME AS TO HERETICS.

WE now proceed to consider these Documents with reference to "THE PRESCRIBED MODE OF DEALING WITH HERETICS."

Having ascertained from the chapter on the Power of the Pope as contained in her Moral Theology, the ground on which the Church of Rome claims the right to exercise jurisdiction over all Protestants, namely, because they have been baptized, it is necessary to examine how they are to be judged and dealt with according to her principles.

And first, in referring to the Class-Books of Maynooth, we find in them quite enough to shew the animus of the Church of Rome; and how those who are instructed in these Class-Books are indoctrinated to feel towards heretics.

In Bailly's *Moral Theology*, Tom. II. p. 62, this question occurs:

"Is it always a sin to wish evil to our neighbour, or to rejoice in it?"

In one of the answers, a passage is quoted from Thomas Aquinas; thus:

"Any one may, without a violation of charity, wish temporal evil to another, and rejoice if it befalls him; not inasmuch as it is evil to him, but inasmuch as it is an impediment of evils to another, whom he is bound to love more, either to the Commonwealth, or the Church. Likewise he may rejoice at the temporal evil of the same person as to this, that, by the evil of the punishment, the evil of the sin is frequently prevented." Hence saith Bailly, "It is lawful to wish that death may justly

happen to a heresiarch or a malefactor injurious to the Republic, and to rejoice in it; not as far as it is evil to him, but because good shall arise thence to the community."

Again, in this Class-Book, p. 65, it is laid down as a sentiment of St Augustine :

"Whosoever shall have been separated from this Catholic Church, however laudably he may think himself to live, for this sole crime, that he is severed from Christianity, he shall not have life, but the wrath of God abideth on him."

But we find, in this author, the sentence of temporal as well as of eternal judgment denounced.

Having stated in this Tom. II. p. 19, that

"A man who judges that the truth of the faith, which the Church proposes as revealed, is not certain, and that the Church in proposing the verities of faith, is not infallible, incurs the penalties decreed against heretics."

The author proceeds :

"You will ask, what are the penalties decreed against heretics?"

He mentions that there are many incurred under the Civil Law; and then continues :

"The first spiritual punishment annexed to heresy by the Canon Law is *Major Excommunication ipso facto* decreed against it (cap. 9 and 10 *de Hæreticis*). By the consent of the Doctors, occult heresy is sufficient, provided it be external, that is, declared by word, deed, or sign, although no person were present, because then it is really cognizable; but heresy merely internal is not subject to this excommunication, nor to other ecclesiastical punishments, because the Church does not judge of internal things."

The references in this passage will come more properly under the head of Canon Law.

It is then stated that

"Absolution of excommunication, contracted on account of heresy, is reserved to the Pope alone, in places where the Bulla Cœnæ Domini is promulgated and received by use; but, in

France, where that Bull is not either promulgated or received by use, the Bishops, by common right, in the possession of which the greater part of them have persevered, can absolve heretics from that censure, and publicly reconcile them with the Church by themselves, their Vicars-General, or some other persons delegated by them."

It is stated again, p. 20 :

"The 2nd punishment annexed by the Canon Law to heresy, is the privation of jurisdiction at least after denunciation.

"The 3rd punishment is irregularity; but, in France, the heresy ceasing, the irregularity ceases too.

"The 4th punishment is privation of their benefices, whether acquired before or after heresy; which however do not become vacant *ipso facto* in France, but only after sentence passed."

It is asked again,

"Whether communication with heretics is prohibited?"

It is answered :

"That communication with any heretics, as being excommunicated, was formerly prohibited: but now it is lawful to hold communication with all who are not specially and by name excommunicated, as has been laid down by Martin V. in his Bull *Ad Evitanda*," &c.

It would appear from this, and several other similar statements, that one reason why denunciations by priests from the altar are so frequently attended by fatal consequences is, that the persons specified, are thus abandoned by the Canon Law to all the evil denounced against excommunicated heretics.

In this same Maynooth Class-Book of *Moral Theology*, Tom. III. p. 46, *De Censuris*, Document No. 21, we find a distinction drawn between a censure *latæ sententiæ*, and a censure *ferendæ sententiæ*.

The former is *ipso facto* incurred by the crime to which it is annexed; the latter is that which the superior threatens to be inflicted if such a crime is committed, but which

is not incurred unless a new sentence of the judge shall have been added.

"The *Censura latae sententiae* is known, 1st, by these or similar words, *ipso facto, ipso jure, eo ipso, statim illico*; or 2ndly, by verbs used in the past or present tense, as *excommunicamus, suspendimus, suspensus est, noverit se esse excommunicatum*; or 3rdly, by verbs in the imperative mood, *sit excommunicatus, maneat excommunicatus, excommunicatione subiaceat*," &c.

The author adds:

"Note, that this form *Anathema sit*, which the Tridentine Fathers frequently use, seems to be *latae sententiae*, unless use contradicts it; for these verbs are of the present tense, and are wont to be used in councils, and especially in that of Trent, against heretics whose errors are smitten by censures to be incurred *ipso facto*."

It would seem from this, that the sentence of excommunication against the persons, and not merely the condemnation of the principles, is intended by the denunciation *anathema sit*, annexed to every Canon of the Council of Trent.

The *Censura sententiae ferendae* requires the sentence of the judge to be pronounced on the crime before it takes effect.

The next Proposition laid down in page 48 in this treatise of Censures, Art. III. on the Question,

"Who is able to inflict Censures?" is,

"The Church has the power of inflicting Censures which are not only external, but also spiritual punishments."

This is proved, 1st, Matt. xvi.: Christ saith to Peter, "*I will give thee the keys of the kingdom of heaven: whatsoever thou shalt bind on earth, shall be bound in heaven; and whatsoever thou shalt loose on earth, shall be loosed in heaven.*" "*If he will not hear the Church, let him be unto thee as an heathen and a publican.*"

“Moreover, the power of binding and loosing which Christ here grants to St Peter and the Apostles, or the Church, is the power of inflicting spiritual punishments on the contumacious.”

It is then stated in the next page,

“This is proved from the constant practice of the Church—which has exercised this power from the days of the Apostles”—

Having cited some passages from the Scriptures, as of the incestuous person mentioned in 1 Cor., and of Hymenæus and Alexander, 1 Tim.; and made some references to the Fathers,

Then is added:

“The same is evident from the innumerable excommunications and suspensions which have been decreed against heretics and others in Councils assembled from the beginning of the Church, and especially in the Council of Trent.”

Here this Class-Book appears to adopt and ratify all the decrees of Councils against heretics, however persecuting and intolerant, as the authority and precedent for the Church's power, in visiting them now with all her censures.

It is then demanded:

“Who in the Church can inflict Censures?”

The answer is:

“That the ordinary power of inflicting Censures resides in every Prelate of the Church, and in him alone (ex cap. *Transmissam, de Electione*, et cap. *Cum ad Ecclesiam*). Moreover, the dignity of Prelates requires this; nor can they often otherwise compel their subjects to fulfil their duties.

“Moreover, 1st, the Chief Pontiff possesses this power in respect of the Universal Church, of which he is the Pastor and the Head.

“2nd. The Archbishop and Bishop (possess this power) over the subjects of their own Diocese, and this indeed by divine right, as they are placed by the Holy Spirit of God to rule the Church, and therefore to coerce the rebellious by suitable punish-

ments. Moreover, it is sufficient that the Bishop be elected and confirmed by the Pope." Cap. *Transmissam*, Bailly, Tom. III. p. 50.

In the next Article IV. on the Question,
"Who can be bound by Censures?"

It is said:

"It is certain that censures cannot be inflicted on any except human beings during the course of their life, baptized persons, those who are capable of reason and of malice, subjects, delinquents, and contumacious persons."

It is not necessary to enumerate the grounds of censures for all these; so we proceed to the 2nd.

"It is said, 2ndly, that baptized persons (can be bound by censures) because the Church has no authority over the unbaptized; for 'what have I to do to judge them that are without?' 1 Cor. v. But the Church has jurisdiction over heretics, apostates, schismatics, because they are by baptism subjects of the Church." Cap. *de Judæis*, Dist. 45.

It is important here to mark the reference to the Canon Law.

It is asked in the next page,

"Whether censures inflicted on Kings and Magistrates are valid?"

It is answered:

"1st, Kings and Queens by a privilege granted by the Pope are free from the jurisdiction of the Ordinary, and are therefore not subject to his censures." Bailly, Tom. III. p. 53.

In treating of the effects of Excommunication, Tom. III. 90, it is stated:

"A person excommunicated by the greater excommunication, is deprived of the common suffrages of the Church, that is, of the sacrifices, prayers, indulgences, and other good works which are performed in the name of the Church, (cap. 28 and 78, *de Sent. Ex.*) And this effect takes place, 1st, even in those excommunicated who are tolerated, as they are not in any way relieved

by the Bull of Martin V.; 2ndly, in all those excommunicated who have not been absolved, even though they may be perfectly contrite and so reconciled to God; for since the censure is taken away only by the absolution of the Church, this consequently remains in all who are not absolved, however contrite they be, and hence it carries on its effect in them."

"Hence a priest or clergyman would commit a grievous sin who should offer the sacrifice publicly in the name of the Church for those excommunicated, in the Canonical hours, because he would transgress the command of the Church in a grave matter, nay, the application of the suffrages so made for them would be invalid, because the Church, the dispenser of those suffrages, makes this application void. Cap. *Sacro*, Cap. *Cum desideres*, Cap. *A nobis*, Cap. *Sacris*, de *Sent. Excom.*"

"The day and the office of Easter ought to be excepted, in which the Church, in imitation of Christ our Lord, who on that day prayed for his enemies, pours forth public prayers for heretics and schismatics, though they be excommunicated." Bailly, Tom. III. p. 90.

This would always preclude public prayer for a heretical Sovereign except at Easter.

Another effect of Excommunication is the Privation of Sepulture.

It is said:

"An excommunicated person being denounced, if not reconciled before death, is to be deprived of Christian burial." (Cap. *Sacris de Sepultura*).

Again:

"If an excommunicated person without giving any sign of contrition before death, has been interred either through fear or error in a sacred place, he ought to be exhumed and cast out, if his body can be discerned from other bodies." Cap. *Sacris de Sepult.* "But the burial-place should afterwards be solemnly reconciled by the sprinkling of water, for it is polluted." Cap. *Consuluisti De Consecratione Eccles.* Bailly, Tom. III. p. 96.

Another effect is the Privation of Benefices.

"The Major Excommunication renders a man incapable of acquiring dignities or benefices as long as he continues in that

state. Any collation conferred on an excommunicated person, even though tolerated and occult, is invalid, as is plain from Cap. *Postulastis*, and Cap. *Si celebrat. De Clerico Excom.*" (Canon Law).

It would appear from this, that no Protestant bishop or minister in this empire, can be considered by those who hold this Canon Law to have legal possession of either See or Benefice. Bailly, Tom. III. p. 97.

Another effect is the Privation of Civil Intercourse.

"An excommunicated person being denounced is deprived of all civil and political intercourse with the other faithful." Cap. 29, *de Sent. Excom.*

This is comprehended in the line:

"*Os, orare, vale, communio, mensa negatur.*" Bailly, Tom. III. p. 100.

It is asked in the article on Interdict, p. 139,

"To whom is Christian burial interdicted?"

"*Ans.* 1st, To pagans, Jews, infidels and apostates. 2nd, To heretics, and those who favour them." Cap. *Sicut de Hæreticis*, (Canon Law).

"Those who inter them in consecrated ground incur excommunication." Cap. *Quicumque de Hæret. in 6.* Bailly, Tom. III. p. 139, (Canon Law).

Here also the citations from the Canon Law are to be noted.

In the chapter on Irregularity, p. 141, we find:

"That person is said to be irregular, who is without the rule or regulation; or he who does not possess the qualifications prescribed by rule for receiving orders or exercising their functions.

"Irregularity is wont to be defined a canonical impediment by which any person is rendered directly unfit for lawfully receiving orders, and consequently for exercising their functions, if they have been received." Bailly, Tom. III. p. 141.

In the chapter on the effects of Irregularity, Ib. p. 147, it is stated:

"Irregularity deprives of the solemn exercise of orders: namely, of all orders, if it be total; of some, if it be partial." Ib. p. 147.

"Irregularity renders a person unfit to receive any benefice whatever, especially if it be total; so that any collation made to an irregular person is not only unlawful, but invalid, and the benefice can be demanded from him. This is proved from Cap. *Si celebrat. tit. de Clerico excommunicato*. Cap. *Dudum*, 22 de *Elect.* C. 7. Con. Trid. Sess. 14 de *Reform.*" Ib. p. 148.

From this again, as in the case of excommunication, it is manifest that no Protestant bishop or minister, has by the Papal Canon Law, a legal title to his bishopric or benefice. Therefore in the chapter

"On the irregularity which is produced by the crime of heresy,"

it is said, Ib. pp. 190, 191:

"By the Common Law are irregular, 1st, Heretics, as appears from Cap. 2, *tit. de Hæreticis in 6*, and in the *Council of Eliberis*, *Can. 51*, where it is said, *a person who comes over to us from any heresy as a believer, shall by no means be promoted to the Clerical order*. Therefore heretics returning to the Church cannot exercise their orders, nor be promoted to any higher rank without a dispensation."

Again:

"3rd, The receivers, defenders, favourers of heretics, and their children, even to the second generation, ought not to be admitted to any Ecclesiastical benefice or public office, and are therefore irregular," Cap. 2, *tit. de Hæret. in 6*, and Cap. 15 of *the same title*, where it is added: "We declare that this comprehends the first and second degree by the paternal line, but by the maternal we will that it be extended only to the first;—this appears to be understood of the sons and grandsons of heretics, and of others of the same sort who are proved to be such, or even to have died such, but not of those of whom it shall appear that they have been amended, and re-incorporated into the unity of the Church." Bailly, Tom. III. pp. 190, 191.

These extracts from the Class-Book of the *Moral Theo-*

logy of Maynooth seem sufficient at present; and we now proceed to examine their Class-Book of *Dogmatic Theology*, as to their mode of judging of heretics and dealing with them.

Delahogue, *De Ecclesia*. In this book is at once to be observed the well-known principle of the Church of Rome, that there is no salvation out of her communion—in which there appears this marked difference between her and all other churches or sects of Christians, that, while other Christian Churches profess that there are doctrines of divine truth which cannot be rejected but at the peril of salvation, they refer to the Word of God as the authority for those doctrines, without presuming to assert themselves to be the exclusive depositories of the same; whereas the Church of Rome, assuming the doctrine and the authority to herself, places the salvation of man solely in submission to her; virtually putting herself into the place of God, demanding universal subjection, and denouncing to condemnation, all who refuse to submit to her jurisdiction.

This Proposition is laid down in the Class-Book of Maynooth, as follows:

“Christ has instituted a Church or society of men who should profess his true doctrine in this world, and that society alone is his Church, out of which salvation is not to be hoped for.” Delahogue, *De Ecclesia*, p. 4.

After a variety of arguments professing to prove this, it is repeated in these terms:

“Therefore the doctrine is again confirmed, that all heretics whom the Church rejects do not belong to her, and are out of the way of salvation.” *Ib.* p. 19.

The next Proposition is still more decisive, and proves that no profession of the truth of God's Holy Word can avail to salvation, without subjection to the authority of the Church of Rome.

The second Proposition is :

“Schismatics, even those who do not err in doctrine, by the fact of their schism alone, are shut out from the Church, and are without the way of salvation.” *Ib.* p. 19.

After a variety of arguments adduced to prove this Proposition, the author professes to quote a sentiment from St Augustin to this effect :

“If any person not having the charity which belongs to the unity of the Spirit, by which the congregated Catholic Church is united, being placed in any schism, rather than deny Christ, suffers tribulations, hunger, nakedness, prison, tortures, the sword, or flames, or death by wild beasts, or the cross itself, through fear of hell, we cannot say that it would have been better for him by denying Christ to have avoided that which he suffered by confessing him, but it is to be supposed that perhaps judgment more tolerable may be his lot.” *Ib.* p. 24.

And again he quotes a sentiment which he ascribes to Fulgentius :

“I by no means doubt,” saith he, “that any heretic or schismatic, although he should even pour out his blood for the name of Christ, can by no means be saved.” *Ib.* pp. 24, 25.

The next Proposition shews the application of this.

Proposition III.

“The society of Protestants cannot clear themselves from the guilt of schism.” *Ib.* p. 43.

Therefore the sentence pronounced on schismatics must be applied to them.

In maintaining that the Church cannot err in dogmatic facts, the last argument is as follows, p. 221 :

“We take our last example from the formula by which the Council of Constance, held in the year 1418, orders in her last session those to be interrogated who are suspected of the errors of Wickliffe or John Huss, viz. Whether they believe that the condemnations of Wickliffe, John Huss, and Jerome of Prague, pronounced on their persons, books and documents by the Sacred

General Council of Constance, were duly and justly made, and to be believed and firmly asserted as such by every Catholic? Also whether they believe, hold, and assert, that John Wickliffe, John Huss, and Jerome of Prague, were heretics, and to be called and considered as heretics, and that their books and doctrines were and are perverse, on account of which books and which doctrines and their pertinacity, they were condemned as heretics by the Sacred General Council?"

"Therefore (the author remarks) the Council of Constance orders that every one who would be considered a Catholic should condemn the books, not less than the doctrines of heretics; *nay, their persons also, lest under the pretence of excusing persons so notoriously heretics, their error might be defended.*" *Ib.* p. 222.

It is manifest from this, that the violation of faith by the Council of Constance, the putting of John Huss and Jerome of Prague to death by that Council, as well as the condemnation of their books and doctrines, are set forth by this Class-Book of Maynooth to be asserted as justly and rightly done by every one who would be esteemed a Catholic.

In page 222 the author cites Tournelly, to prove,

"That nothing was done in the cause of Jansenius by the Church, of which she had not the form and example in the ages that had gone by, confirmed by her perpetual practice and by tradition, whether, when she condemned the doctrine of the book of Jansenius, expressed in five propositions, or when she compelled all to subscribe the formula of Alexander VII.; or finally, when she punished the rebellious and contumacious." *Ib.* p. 222.

The doctrine of Delahogue corresponds very nearly with that of Bailly on the subject of Censures.

Without entering further into these Class-Books of the College of Maynooth, we proceed to consider what is the doctrine as to the treatment of heretics contained in that book, which we have seen is read in all the other colleges

in Ireland, and is the standard by which the priests are trained to direct the consciences of the people, in the conferences of the province of Leinster—Dens's *Theology*.

It appears from these Documents that on the subject of oaths, and the treatment of heretics, there is not any difference between the Gallican and Ultramontane principles, except so far as the latter involve the subversion of heretical governments—so that on this subject Dens does not seem at all to outstrip the Class-Books of Maynooth. In the treatise on Censures in Dens, the statements as to heretics are not so numerous as in the treatise in Bailly; but in other parts of his work we find the doctrines of the Church very plainly laid down.

And first, we have the question determined who is to be considered a heretic.

To the question,

“Is there faith in a heretic?” (Tom. II. p. 73),

it is answered:

“To this question theologians generally answer with St Thomas, that whosoever pertinaciously disbelieves one article of faith, has no act or habit of faith about the other articles.”

And the conclusion of the proof of this is:

“Therefore he who pertinaciously disbelieves one article, is convicted of not assenting to the rest from a formal motive of faith, but from the persuasion of his own brain, and so he believes no article with divine faith.” Dens, Tom. II. p. 73.

Infidelity is divided into three classes, Paganism, Judaism, and Heresy, p. 78.

To the question,

“What is heresy?”

The answer is:

“It is the unbelief of those who profess indeed that Christ has come, but cast off his doctrine proposed by the Church as to any part—such are Lutherans, Calvinists,” &c.

Again, to the question,

“What kind of infidelity is the weightier sin?”

The answer is :

“We answer with St Thomas, quæst. 10. art. 6, by drawing a distinction. If Infidelity is considered objectively, or on the part of the matter, then Paganism is worse than Judaism, and Judaism worse than heresy, because a Pagan errs in more points than a Jew, and a Jew in more than a heretic.

“If (it is considered) subjectively, or on the part of pertinacity of the will, and resistance to the faith, then Heresy is the worst, and Judaism generally worse than Paganism, because Heretics are wont to have a greater knowledge of the truths of faith than Jews, and Jews than Pagans; so that generally, Heresy is the greatest crime.” *Ib.* p. 78.

ON COMPULSORY SUBJECTION TO THE CHURCH OF ROME.

In the next number, the question is,

“Are infidels to be compelled to the Faith?”

It is answered :

“1st. Infidels, who have never been baptized, cannot be compelled to profess the faith; first, not by the Church, because she has no jurisdiction over the unbaptized, according to 1 Cor. v. 12, ‘What have I to do to judge them that are without?’—nor also by secular princes, although being their rulers, because they have merely political power, which only regards peace and public tranquillity.” p. 79.

But it is answered :

“2ndly. To the Question—Baptized Infidels, as Heretics and Apostates are wont to be, also baptized Schismatics, can be compelled, even by corporal punishments, to return to the Catholic Faith, and the Unity of the Church.

“The reason is, that they by baptism have been made the subjects of the Church, and therefore the Church has jurisdiction over them, and the power of compelling them by the appointed means to obedience, and to fulfil the obligations contracted in Baptism.

“This also holds good with respect to those who have been

baptized in their infancy, or who, whether compelled through fear or any other necessity, have received baptism, as the *Council of Trent* teaches, Sess. 7. can. 14, and the 4th *Council of Toledo*, can. 55."

This Canon Law is to be noted.

"It is objected—No one believes unless he is willing, but the will cannot be compelled; therefore no persons can be compelled to the faith.

"It is answered by denying the consequent (viz. that the will cannot be compelled), for he is not compelled that he should believe against his will; but that from being unwilling, he should be made willing.

"You will urge—No one can be compelled to Baptism; therefore no one can be compelled to the faith.

"We answer with St Thomas here *ad 3*: 'As to vow is the part of the will, but to pay what you have vowed of necessity, so to receive the faith is the part of the will; but to hold it when received of necessity;' and so heretics can be compelled to hold the faith. Meantime, it is not always expedient that the Church should exercise this right, as will appear from what shall be said hereafter." *Ib.* pp. 80, 81.

ON TOLERATING THE WORSHIP OF INFIDELS.

In Number 53, we see as follows:

"Are the rites of Infidels to be tolerated?

"The rites of the Jews, although they sin in celebrating them, may be tolerated with some restriction, because, from thence, great advantage accrues to the Church, namely, that we have the testimony to our faith from enemies, since by their rites, as in a figure, the things which we believe are represented to us.

"It is said, 'with some restriction,' because if there is danger lest the Jews by their rites should be a scandal to Christians, the Church can and ought to restrain or to prevent them, as it may be expedient. Hence it is ordained, *Lib. 5. Decret. tit. 6. cap. 3 and 7*, that the Jews may not be allowed to have many Synagogues in one state, nor to build new ones in many places.

"The rites of other Infidels, namely of Pagans and Heretics,

are not by themselves to be tolerated, because they are so bad that nothing of truth or utility can thence be derived for the advantage of the Church; except, however, some greater evils might follow from some other quarter, or some greater good be prevented.

"You will object: The Apostle to the Romans xiv. 5, says: 'Let every one abound in his own sense' (or, as we translate it, 'Let every one be fully persuaded in his own mind'); therefore liberty of Religion is to be left to every one.

"We answer, by denying the consequent, for the Apostle is not treating of the rites of Religion, but of observing or not observing the distinction of days and of meats according to the law of Moses; both which could be well done at that time.

"You will object, 2ndly, the dilemma of Gamaliel, (Acts v. 38, 39), where he speaks of those things which the Apostles were doing. *'Refrain from these men, and let them alone: for if this counsel or this work be of men, it will come to nought; but if it be of God, ye cannot overthrow it.'*

"We answer, 1st, This is not a dilemma of the Holy Scripture, but of Gamaliel, who, by this apparent argument, wished to rescue the Apostles whom he favoured from present danger.

"2nd. Granting that the argument of Gamaliel could stand, there is this difference, that the cause of unbelievers is not doubtful to the judges of the Church, as the cause of the Apostles was to the Jews, but it appears that it is certainly false and condemned; whence it is not to be tampered with or approved, but extirpated, unless some reasons may be present which might persuade us that it ought to be tolerated." *Ib.* pp. 82, 83.

There are two Numbers on the Definition and Division of Heresy, on which it does not seem material to remark. No. 56 is

ON THE PUNISHMENTS OF THE CRIME OF HERESY.

"What are the punishments of the crime of Heresy?

"We answer, 1st, Heresy, merely internal, is not punished in this life, nor does it constitute a reserved case.

"2nd. External Heresy has annexed to it, 1st, the Major Excommunication *sententiæ latae* (that is, incurred *ipso facto*),

and reserved to the Pope. See the treatise '*On reserved cases*,' No. 219, and those which follow.

"The second punishment is Irregularity, for which see the treatise on Censures.

"The third is incapacity to hold any benefice or public office, as is found in the Chapter *Quicumque, de Hæret. in 6*.

"The fourth punishment is privation of benefices and dignities. This, however, seems a punishment only *sententiæ ferendæ*, as is deduced from cap. 12, *Ut commissi, de Hæret. in 6*.

"The fifth is privation of Spiritual Jurisdiction, as well in the internal as in the external forum; but understand this with the restriction made in the Council of Constance, of which see No. 52. Hence, so long as they are not denounced by name, or do not themselves recede from the Church, they do not lose their jurisdiction, and so validly absolve, dispense, &c.

"Sixthly, Notorious Heretics are infamous *ipso facto*, and are deprived of ecclesiastical burial.

"Seventhly, Their temporal goods are, *ipso facto*, confiscated; but before the execution, a sentence declaratory of their crime ought to precede from the Ecclesiastical Judge, because the cognizance of heresy belongs to the Ecclesiastical tribunal.

"Finally, They are also deservedly afflicted with other corporal punishments, as exile, imprisonment, &c.

"Are Heretics justly punished with death?

"St Thomas answers (2. 2. quæst. 11. Art. 3. in Corp.) affirmatively, because forgers of money, or other disturbers of the Republic, are justly punished with death; therefore also heretics, who are forgers of the faith, and, as experience testifies, grievously disturb the Republic.

"This is confirmed, because God, in the Old Testament, ordered false prophets to be put to death; and Deut. xvii. 12, it is ordained that, 'he who is proud and unwilling to obey the command of the Priest shall die.'

"The same is proved from the condemnation of the 14th Article of John Huss, in the Council of Constance.

"It is to be observed that those who are not baptized do not incur the aforesaid penalties, which are appointed by the Church, as not being subject to the Church: but apostates incur them, that is, those who after baptism go over to Jews or pagans." *Ib.* pp. 88, 89.

These principles so plainly and authoritatively laid down in Dens constitute the answers to the questions of Conferences in the Priests' Directory for the year 1832, the very year in which that book was published. The words placed at the head of the Conferences for that year are :

" There shall be four Conferences in the Province of Leinster in the year 1832, in which we shall discuss the treatise on the virtues (following Dominus Dens as our author.)"

In their 2nd. Conference these are some of the questions :

" How many sorts of Infidelity are there ?

" Are infidels to be compelled to join themselves to the bosom of the faithful ?

" Is it lawful to tolerate the rites of heretics ?

" What is heresy, how is it divided ?

" What are the punishments decreed against those infected with that stain ?"

These questions appear more full and comprehensive than even the subjects as given in the book.

In the book it is, for instance, " Are the rites of infidels to be tolerated ?"

In the Conferences : "*Is it lawful* to tolerate the rites of heretics ?"

In the book : " What are the punishments of the crime of heresy ?"

In the Conferences : " What are the punishments *decreed* against persons infected with that stain ?"

Hence it is evident that the subjects of these questions have been already decided by the Canon Law, as will hereafter more fully appear.

It does not seem necessary to enter further into the doctrines of this Moral Theology on these subjects.—It is plain that this standard whereby the priests are trained in their Conferences to direct the consciences of the people is only the development of the system in which they have themselves been trained in the College of Maynooth.

CHAPTER III.

THE INTERPRETATION OF SCRIPTURE.

WE now proceed to consider the Scriptural Instructions which these Documents shew to be conveyed by the Roman Catholic Prelates to the Priests, and to the population of Ireland. On this subject our attention is arrested by certain questions in this same Conference from whence the last questions were taken on the subject of the Sacred Scriptures. We find the following: Dens, Tom. II. p. 101.

“Is the reading of the Sacred Scripture necessary or commanded for all? Is it lawful?”

In reply to the first question it is said:

“That it is not necessary or commanded for all, is evident from the practice and doctrine of the universal Church; wherefore in the *Bull Unigenitus*, the 79th proposition about this very thing is condemned, viz. ‘*To study and to know the spirit, the piety, and the mysteries of the Sacred Scriptures, is useful and necessary in every time and place, and for all manner of persons.*’” Add to this the Propositions 80, 81, 82, 83, 84, and 85, condemned in the same Bull.

“This is farther proved: It is the part of some in the Church to teach, but of others to seek knowledge and the law from the mouths of the priests; just in the same manner as in the civil commonwealth it is not the part of all to investigate the laws and to judge controversies,” &c.

In answer to the second question, “Whether it is lawful for all?” we find stated amongst other principles:

“IV. This Church does not absolutely forbid the reading of the Sacred Scriptures in the vulgar tongue to the laity, or to men of every condition, but she does not permit it without great precautions.

"V. This discipline of the Church, which had been now long in use in particular Churches, was established for the Universal Church by the fourth rule of the Index appended to the Council of Trent, in these words :

"Since it is manifest from experience, that if the Sacred Scriptures be permitted in the vulgar tongue every where without discrimination, more injury than utility arises therefrom on account of the presumption of man ; let it be determined in this matter by the judgment of the Bishop or Inquisitor, that with the advice of the Parish Priest or Confessor they may permit the reading of the Scriptures in the vulgar tongue, translated by Catholic authors, to those whom they shall understand to be able to derive not injury but an increase of faith and piety from the reading of the same ; which permission they should have in writing. But whosoever shall presume without such permission to read or have them in their possession cannot receive absolution of his sins, unless the Bible is first given up to the Ordinary. But the Regulars cannot read or purchase them without a permission received from their Prelates."

It is added afterwards :

"Observe, that according to the aforesaid rule, the power of granting a licence to read the Holy Scripture in the vulgar tongue, is competent to the Bishop or Inquisitor, not to the Parish Priest or Confessors, unless this power has been granted to themselves." *Ib.* pp. 101—103.

There is another question in this Conference of which the answer is worthy of note :

"What is the authority of that edition called the Vulgate?"

The answer is :

"It is supreme and infallible, because by a decree of the Council of Trent (4th Session) it was received, and approved, and declared authentic, and therefore it is a certain and infallible rule of our faith," &c.

In the same page the following remarks occur :

"Finally, against heretics and for the understanding of the Sacred Scriptures, observe the following :

"1st, The Sacred Scripture is not authentic to us, except by the tradition and doctrine of the Church.

"2nd, The Sacred Scripture is to be received in that sense in which the Church receives it.

"3rd, The legitimate sense of the Scripture is made known to us by tradition.

"4th, From this rule it follows that the true sense of the Scripture is to be borrowed from the doctrine of the holy Fathers. Wherefore observe the decree of the Council of Trent (4th Session), by which it determines, that no one shall dare to interpret the Holy Scripture, contrary to that sense which the Holy Mother the Church hath held and doth hold, or against the unanimous consent of the Fathers expressly in matters of faith or morals." *Ib.* pp. 106, 107.

This latter clause is the 2nd article of Pope Pius's Creed, to which all beneficed priests are sworn.

It appears from these that the rule prohibiting the reading of the Sacred Scriptures is stringently adhered to; and we may conclude, that whatever interpretation the bishops of the Church give to the priests and the people, is to be by them inviolably received as the true interpretation of the Fathers and of the Church.

We discover this from an examination of the Bibles among these Documents, and of the interpretations in their notes.

There are here three copies of the Bible, and one of the New Testament. The copies of the Bible (large quartos) are bound; the copy of the New Testament is in boards, with advertisements of the work itself printed on the covers.

These Bibles contain the Text of the Scriptures as translated by Roman Catholics, with the Rhemish notes. Of these Bibles, one by its title-page appears to have been published in Dublin in the year 1816. The other two, and the New Testament, appear to be printed at Cork in the year 1818.

The first has not any list of subscribers prefixed to it;

the others have a long one, including several Roman Catholic Bishops. The first on the list which clearly authenticates the book is the name of Dr Murphy, the Roman Catholic Bishop of Cork, where the work was printed. Among the others are those of Dr O'Reilly, then Roman Catholic Titular Primate, Dr Troy, then Titular Archbishop of Dublin, and Dr Murray, the present Titular, then his Coadjutor.

It would swell this Report beyond all due dimensions, to enter on the history of these Bibles as it is to be found in these Documents. In Document No. 6, from page 1 to 53, from page 149 to 219, and from 282 to 292, there are full details of the facts; and the Preface to No. 7, which is a reprint of the notes, gives a full account of all that can be required on the subject. But it is necessary to report on the principles and doctrines which the books contain; and for this purpose it is enough to limit the extracts to certain notes, which afford a tolerably fair specimen of the nature of the work, and which are connected with some singular facts involved in the publication of these Bibles.

It is important to observe, that the Bible published in 1816 appears to have been printed in 1813, and that it was then circulated only among subscribers. But when, from some circumstances into which we need not enter, it was publicly exposed to sale in 1816, some of the notes were brought into public notice in England by the *British Critic*, and drew forth general condemnation. These notes are as follow.

On Matt. xiii. 29, 30, On the Parable of the Wheat and Tares.

“*[Lest perhaps]*. The good must tolerate the evil when it is so strong that it cannot be redressed without danger and disturbance of the whole Church, and commit the matter to God's

judgment in the latter day. Otherwise, when ill men, be they heretics or other malefactors, may be punished or suppressed without disturbance and hazard of the good, they may and ought by public authority, either spiritual or temporal, to be chastised or executed."

The next note is on Luke ix. 55, on our Lord's reply to the Apostles, James and John, when they wanted to invoke destruction on the Samaritans who shut their gates against Him.

"[*He rebuked them*]. Not justice nor all rigorous punishment of sinners is here forbidden, nor Elias's fact reprehended, nor the Church or Christian princes blamed for putting heretics to death; but that none of these should be done for desire of our particular revenge, or without discretion and regard of their amendment and example to others. Therefore St Peter used his power upon Ananias and Saphira when he struck them both down to death for defrauding the Church."

The next is a note on Luke xiv. 23.

"[*Compel them*]. The vehement persuasion that God useth, both externally by force of his word and miracles, and internally by his grace to bring us unto him, is called compelling. Not that he forceth any to come to him against their own wills, but that he can alter and mollify a hard heart, and make him willing that before would not. St Augustin also referreth this compelling, to the penal laws which Catholic princes do justly use against heretics and schismatics, proving that they who are by their former profession in baptism subject to the Catholic Church, and are departed from the same after sects, may and ought to be compelled into the unity and society of the Universal Church again; and therefore in this sense, by the two former parts of the parable, the Jews first, and secondly, the Gentiles that never before believed in Christ, were invited by fair sweet means only; but by the third, such are invited as the Church of God hath power over, because they promised in baptism, and therefore are to be revoked not only by gentle means, but by just punishment also."

This note contains the exact principles which we have

seen pervading the Moral Theology of Rome on this subject.

The next note is on Acts xxv. 11, as follows :

"If St Paul, both to save himself from whipping and from death sought by the Jews, doubted not to claim succour from the Roman laws, and to appeal to Cæsar the prince of the Romans not yet christened, how much more may we call for aid of Christian Princes and their laws, for the punishment of heretics, and for the Church's defence against them?" S. Aug. *Ep.* 50.

The next is on 2 Tim. iii. 9.

"[*Folly*]. All heretics, in the beginning, seem to have some shew of truth; God, for just punishment of men's sins, permitting them for some time in some persons and places to prevail. But, in a short time, God detecteth them and openeth the eyes of men to see their deceits, insomuch that, after the first brunt they are maintained by force only, all wise men in a manner seeing their falsehood, though, for fear of troubling the state of such commonwealths where unluckily they have been received, they cannot be so suddenly extirpated."

The next note is on Rev. ii. 20.

"[*The woman Jezabel*]. He warneth bishops to be zealous and stout against false prophets and heretics of what sort soever, by alluding covertly to the example of holy Elias, that in zeal killed 450 false prophets of Jezabel, and spared not Achab nor Jezabel themselves, but told them to their faces that they troubled Israel, that is, the faithful people of God; and whether there were any such great woman then, a fartherer and promoter of the Nicolaites, whom the prophet should here mean, is hard to say."

The next and the last we shall quote is on Rev. xvii. 6.

"[*Drunk with the blood*]. It is plain that this woman signifieth the whole body of all the persecutors that have and shall shed so much blood of the just, of the prophets, apostles, and other martyrs, from the beginning of the world to the end. The Protestants foolishly expound it of Rome, for that there they put heretics to death, and allow of their punishment in other countries;

but their blood is not called the blood of saints, no more than the blood of thieves, mankillers, and other malefactors, for the shedding of which, by order of justice, no commonwealth shall answer."

The general surprise and indignation caused in England by the publication of these notes, extracted from the Bible published in Dublin in 1816, drew forth a disclaimer from Dr Troy, the Titular Archbishop of Dublin, by whose approbation, given in the title-page, it was said to be published; the names of the other Prelates being suppressed and unknown. This disclaimer, dated October 24, 1817, was responded to by the Roman Catholic bookseller, Coyne, who proved, by a letter dated October 26, that Dr Troy had sanctioned the book, and that it was revised and corrected by a priest in Dublin, deputed by himself. This disclaimer and reply of Coyne appear in No. 6, pp. 36—39.

But while these transactions were taking place in Dublin in 1817, it appears that the same edition of the Bible was being reprinted in Cork, for we have here two Bibles and a New Testament printed in Cork, and brought out in 1818, in which the name of Dr Troy appears, with eleven other prelates, among the patrons and subscribers; and we find these notes that were extracted from the edition of 1816, reprinted as in that edition, in one of the Bibles of 1818 at Cork, and in the New Testament; while in the other Bible, printed in the same place and year, the leaves containing these notes have been taken out, and other leaves pasted in with these notes cancelled.

These notes appear, on being examined, to breathe the general spirit and sentiments of the whole work, and are altogether in keeping with the doctrines inculcated in their Moral Theology, as far as appears by these Documents.

The stringent rules which have been cited from Dens's *Theology*, the evident standard both for the instruction of

the priests and the guide of the consciences of the people, and the solemn obligation of the priests by oath to admit the sacred Scriptures only in the sense of their Church, seem to make it plain that an explanation of the Scripture thus circulated under the sanction and authority of their prelates and priests, contains the real doctrines inculcated by their Church on these subjects.

The advertisements on the cover of the New Testament, which seems to have been the same as those in which the numbers of the book were circulated among the subscribers, speak of these notes as being

“According to the interpretation of the Catholic Church, which is our infallible and unerring guide in reading the holy Scriptures; and leading us unto salvation;”

and coming to the people under the sanction of the authority and patronage of their prelates and priests, it does not seem possible they could have considered the work in any other point of view.

But we find in these Documents evidence that the priests themselves have instructions precisely of a similar character given to them in the College of Maynooth, for the interpretation of the Scriptures.

In Document No. 10, p. 40, referring to the Appendix to the Eighth Report of the Commissioners of Education, 1825—6, p. 108, we learn from the evidence of the president of that College, that there is a certain Commentary on the Scriptures, which is a Class-Book there, and which all the students are obliged to procure—the Commentary of Menochius. There is an extract given from this Commentary, on the very same text on which we have cited the annotation from the Rhemish notes, in the parable of the wheat and tares, Matth. xiii. 29; it is as follows:

“*Lest while ye gather the tares.*—Lest ye injure the good while ye endeavour to take away the bad. Add, that those who

are tares and bad, sometimes become good. Christ does not forbid heretics to be taken away and put to death, on which point Maldonatus on this place is to be consulted."

The Commentary of Maldonatus was returned to Parliament as one of the standards of Maynooth, as Menochius is the Class-Book, and the following is the reference to this standard recommended by the Class-Book. Maldonatus on Matth. xiii. 29 :

"There are some who abuse this place by trying to prove that heretics are not to be punished or put to death—which they who do seem to be anxious about themselves. First, indeed, it does not refer only to heretics, but to men who are children of the devil, as opposed to children of the kingdom, among whom heretics are the chief species, but not the only kind.

"Therefore, they who deny that heretics are to be put to death, ought much rather to deny that thieves, much rather than murderers, ought to be put to death; for heretics are so much the more pernicious than thieves and murderers, as it is a greater crime to steal and slay the souls of men than their bodies.

"Therefore almost all the ancient authors, as Chrysostom, Jerome, and Augustine, interpret this of heretics, not because they are the only tares, but because they are the more especially so. Besides, although heretics alone were understood, nevertheless the Father of the family does not absolutely prohibit the tares to be rooted out, but only lest the wheat be rooted out along with them; for then, according to his opinion and will, they are not to be rooted out when there is any danger, lest the wheat be plucked up with them, as the divine Augustine and the divine Thomas, the greatest of theologians, has observed.

"When, therefore, there is no danger that the wheat be rooted out along with them, but there is rather danger lest if they be not plucked up they may injure the wheat, what need is there to wait for the harvest? they are quickly to be plucked up, they are quickly to be burned.

"Besides, why is there danger that the wheat be rooted up with the tares? or why does the Father of the family order to wait for the harvest, unless that before the harvest they cannot

be distinguished or separated from the wheat? When, therefore, they can be distinguished and separated, then certainly they are to be separated, then certainly they are to be burned. The Lord warns us before, saith Jerome, that when there is anything doubtful we should not quickly pronounce our judgment, but reserve the end for God as the Judge, that when the day of judgment shall have arrived, he may banish from the assembly of his saints, not the suspicion of crime, but the manifest guilt.

“Who hath not known the Calvinists and Lutherans? who does not see that they are heretics, who have revived almost every ancient heresy? truly there never was a heretic, there never can be a heretic, if they are not heretics.

“But they are quiet. Who were ever more turbulent? who have ever excited so many wars? who have ever used such cruelty, or poured out so much human blood? Nor do I say these things on this account, that I would not rather they should be converted than put to death, but only I warn princes, or because princes are not likely to read these things, I warn those who ought to admonish princes, that it is not lawful for them to grant to heretics those liberties which they call of conscience, and which are too much used in our days, unless first the Church, or he who is head of the Church, the Roman Pontiff—the person of Christ, and as it were, the Father of the family—shall have judged that the tares cannot be rooted out unless the wheat be plucked up along with them, and that it is for the interest of the Church that both should grow together until the harvest. For the judgment of this matter does not belong to princes, who are the servants of the Father of the family, but to the Father of the family himself, who is the governor of the Church. Nor ought princes to ask the Father of the family that he would permit both to grow together until the harvest, but whether it was his will they should go and root up the tares; for they should be so affected and so ready, that they should be rather restrained than urged on by the Father of the family.” Document No. 10, pp. 40—42.

This is the Commentary of the standard of Maynooth, referred to as the authority by the Class-Book; and since the Priesthood of the Church of Rome are bound by oath to

“receive the Scriptures, only in that sense in which their holy mother the Church has held and does hold them;” and when we see the uniformity of their interpretation in their Colleges—their Conferences, and the Commentary which they give as an infallible interpretation to the people—when we see the very authors quoted in this note, by whose guidance the Cardinal-prefect of the Propaganda directed the bishops who are trustees of Maynooth to instruct their pupils, and by which they pledged themselves to teach them; it would be rejecting a body of evidence, that it seems very difficult to doubt, to suppose that these interpretations are not the real sentiments of the Church of Rome, and maintained in their full extent by the men who teach them at this day. It does not seem necessary to enter any further into the doctrines of that Church on the Scriptures. We have now to consider the evidence furnished by these Documents as to the Canon Law of Rome in force and operation at the present time.

To this end we shall examine,

1st, What are the authorities of Canon Law to which we are referred in her Class-Books and Conference-Book as now in use.

And 2dly, Whether any and what code of Canon Law has been set up by the Roman Catholic Bishops of Ireland for the government of the Roman Catholic population.

CHAPTER IV.

ON THE CANON LAW CITED AS NOW IN FORCE BY THE CHURCH OF ROME.

It seems necessary to ascertain, first, what the Church of Rome asserts to be her Canon Law.

To determine this, we have the authority of the Professor of Canon Law in the College of Maynooth, who furnishes conclusive information on the subject. It is taken from the Appendix to the Eighth Report of the Commissioners of Education, 1825-6. The Professor is asked :

“Pray be so good as to state what books you consider as containing the text of the Canon Law.

“*A.* The Canon Law or Common Law of our Church is contained in a work known by the name of *Corpus Juris Canonici*. It was published by Pope Gregory XIII., and it is composed of several parts or collections of the Canon Law made at different times.”

The parts of this Canon Law are then enumerated, and he is asked :

“Is not the text of the Canon Law to be found in those works ?

“*A.* What we call the text of the Canon Law is to be found in these collections so far as they go ; but to form a complete body of Canon Law, we must add the Decrees of the Council of Trent, the different Bulls that have been issued by Popes since the time of Pope Sixtus IV., as none of a more recent date are included in the collection of Gregory XIII., which was published towards the end of the 16th century. The Bulls that were issued after Sixtus IV. down to Clement XII. have been included in the *Bullarium Romanum*. There is also a collection

of Bulls of Benedict XIV."—*Appendix to 8th Report of Commissioners*, p. 211.

It is therefore plain that the Canon Law of Rome consists,

- 1st. Of the Collection called *Corpus Juris Canonici*.
- 2nd. The Decrees of the Council of Trent.
- 3rd. The *Bullarium Romanum*.
- 4th. A Collection of the Bulls of Benedict XIV.

References to these works are consequently citations from the Canon Law of the Church of Rome, as it is now stated by her professors.

We therefore now revert to the subjects treated of in the Moral and Dogmatic Theology of the College of Maynooth, and the Conference-Book of the Priests; and consider the references marked in these to the authority of the Canon Law.

CANON LAW ON HERESY IN CLASS-BOOKS OF MAYNOOTH.

The first we have marked (p. 28) is in the 2nd Volume of Bailly's *Moral Theology*, the Class-Book of Maynooth, p. 19, on which we may observe, that the Question is the same in substance as that proposed in the Conferences of the Priests in 1832, viz.

"What are the punishments decreed against Heretics?"
Quænam sint pœnæ contra Hæreticos latae.

Implying that the laws exist which denounce the punishments, and that consequently those punishments are ratified by law.

The Canon Laws quoted to prove them under the sentence it pronounces are cap. 9 and 10 *de Hæreticis*; that is, the 9th and 10th chapters on Heretics, from the Decretals of Gregory (Lib. v. Tit. vii.) in the *Corpus Juris Canonici*.

Here we find (cap. 9) a Decretal or Bull of Lucius III. A. D. 1181, beginning *Ad Abolendam*.

The first sentence of this Document is :

“We bind with the chain of perpetual anathema all those who do not fear to think or to teach otherwise than the Holy Roman Church teaches and observes of the Sacrament of the body and blood of our Lord Jesus Christ, or of Baptism, or the confession of sins, of matrimony, or of the other Sacraments of the Church; and, generally, whomsoever the same Roman Church, or each of the Bishops through their Dioceses with the advice of their Clergy, or the Clergy themselves, if the See is vacant, with the advice, if need be, of the neighbouring bishops, shall have judged as heretics.”

For the sake of brevity we give the heading of the Decretal, which is as follows :

“A heretic thinking falsely, or teaching falsely of the Sacraments of the Church, is excommunicated and convicted, unless he shall have corrected himself and abjured his error. If he is a clerical person, let him be degraded and delivered to the secular power, by which also a layman shall be punished. The same is the punishment of those suspected of heresy, if they shall not have corrected themselves; and to those who have relapsed (into heresy) audience is altogether denied. Secular princes who will not swear to defend the Church against heretics are excommunicated, and their territory is placed under an interdict; but their states or cities who resist are deprived of the commerce of other states, and of Episcopal dignity; and those who are exempted (from Episcopal jurisdiction) are subject to bishops in these (decrees) which are instituted against heretics.”

The 10th chapter, beginning “Vergentis,” is a decretal of Innocent III., the Pope who presided over the 4th Lateran Council, and passed the decrees under which the Albigenses were massacred; and it bears date A.D. 1212, four years before that Council. The heading of this Chapter is :

“The property of heretics is confiscated, and in the states of the Church are applied to the exchequer of the Church, and

in those of the Empire to the exchequer of the secular judge; and it proceeds, although they have children that are Catholics."

The section of this Canon Law that treats of this, is worth transcribing.

"For since, according to the legitimate sanctions in the case of those who are capitally punished for the crime of treason their property is confiscated, life alone being left to their children out of pity, how much more ought those who, erring in the faith, offend Jesus Christ, the Son of the Lord God, be cut off from our Head, which is Christ, by the rigour of the Church, and deprived of their temporal goods, since it is by far a greater crime to offend the Eternal Majesty than an earthly monarch. Nor ought the disinherittance of orthodox children by any means prevent the censure of this severity under the pretext of any sort of compassion, since, in many cases, even according to the Divine judgment, children are temporally punished for their parents; and, according to the canonical sanctions, vengeance is sometimes inflicted not only on the authors of wickedness, but also on the progeny of those who are condemned."

In the next page of Bailly, Tom. II. 20, it is said that

"Absolution from Excommunication on account of heresy is reserved to the Pope alone in places where the *Bulla Cœnæ* is promulgated and received by use."

The *Bulla Cœnæ* is not received in France, but its reception in Ireland will be considered in its proper place. The authority of the Bull, where it is received, is stated here.

In the treatise on Censures, Bailly, Tom. III. p. 49, it is said:

"The same is evident (viz. the power of the Church to inflict censures) from the innumerable excommunications and suspensions which have been decreed against heretics or others in councils assembled from the beginning of the Church, and especially in the Council of Trent."

This embodies, as of undoubted authority, all the Excommunications, Denunciations, Depositions, Dispensations

from Oaths of Allegiance, Interdicts, and all Censures, comprehended in the Canon Law of Rome, and especially in the Council of Trent; for these were all the Censures of the Church, whether from Popes, Councils, or Bishops.

ON POWER OF BISHOPS TO INFLICT CENSURES.

The Canon Law to prove that the Bishops have the power of inflicting censures, cited for that purpose (Report, p. 31), and authorizing them "to rule the subjects of their own Dioceses, and to coerce the rebellious by suitable punishments:"—which is important, when it is remembered that all the baptized persons in their dioceses are accounted their subjects—confers that power on them from the moment they are elected to their office, (Celestine III. A.D. 1185). The name of the Canon is *Transmissam*, Decret. Lib. I. Tit. vi. cap. xv. *De Electione*; Bailly, Tom. III. pp. 49, 50. And after reciting that some of their clergy made light of their censures, it enacts as follows:

"We answer therefore, that from the time you have received the confirmation of your election, about these and all similar cases (except those which require the examination of a greater inquisition and claim the ministry of consecration), you have the free power of determining whatever is just and suitable to ecclesiastical utility."

The next Canon Law cited as extracted from Bailly is under the head of

"Who are those who can be bound by Censures?" Bailly, Tom. III. p. 52. (*Rep.* p. 32).

The answer to this, viz. "baptized persons," and the assertion, that "the Church has jurisdiction over heretics, apostates, and schismatics, because they are subjected to her by Baptism," is ratified by the Canon Law *De Judæis*. It is taken from *Decreti*, Prima Pars, Dist. 45. cap. 5. It is a Canon from the 4th Council of Toledo, and is as follows:

"But concerning Jews, the holy Synod commands that no violence shall be inflicted to compel any person to believe, for 'God hath compassion on whom he will, and whom he will he hardens;' for such are not to be saved against their will, but willing, that the form of justice may be preserved entire. For as man obeying the serpent by the choice of his own will perished, thus the grace of God calling him, every one is saved by believing with the conversion of his own mind. Therefore they are to be persuaded rather than impelled to be converted; not by force, but by the faculty of their free will.

"But those who have been before compelled to come to Christianity (as was done in the time of the most religious prince Sisebutus), because it appears that they are now associated with the divine sacraments, and have received the grace of baptism, and have been anointed with chrism, and have been made partakers of the body and blood of the Lord; it is fit that they should be compelled to hold that faith which they have received even by force or necessity, lest the name of the Lord be blasphemed, and the faith which they have received be accounted vile and contemptible."

This is that Canon which is quoted in the *Theology of Dens* (see *Report*, p. 41), for compelling baptized persons by corporal punishments to return to the Church; thus proving the nature of that jurisdiction which the students of Maynooth are hereby taught, the Church has a right to exercise over heretics.

CANON LAW ON THE EFFECTS OF EXCOMMUNICATION.

The next Canon Law to be referred to, is in the treatise on Censures, as to the effects of Excommunication, one of which, as we have seen (pp. 32, 33), is the privation of the prayers of the Church. This is ratified by four Canons. One of these is an ordinance of Clement III. dated A. D. 1190, Decret. Greg. Lib. v. Tit. xxxix. c. 15, *Cum desideres*. The heading of which is:

"Before absolution, no communication is to be held with an excommunicated person, even though he hath sworn to obey the

commands of the Church, or satisfied the person whom he had offended.

"No communication is to be held with a person who has been disgraced by excommunication, unless he clears himself, or is carefully absolved."

The next is a Decretal or Rescript of Innocent III. dated A. D. 1212, Decret. Greg. Lib. v. Tit. xxxix. cap. 28, *A nobis*, of which the heading is :

"If an excommunicated person dies in excommunication, however contrite he may have been before his death, no communication is to be held with him before absolution, nor is he to be prayed for, although he is absolved before God. But if his preceding contrition is made apparent to the Church he shall be absolved even after death, by the person by whom he should have been absolved while living, and his heirs are compelled by the Church to make satisfaction for him."

The next Canon gives a power and stringency to these by enforcing the observance of them on all members of the Church. It is also a Decretal or Rescript of Innocent III. A. D. 1214, Decret. Greg. Lib. v. Tit. xxxix. cap. 38, *Sacris*. It is as follows :

"It is ordained by the Sacred Canons:—Although he who voluntarily held communication with those excommunicated, who with all their favourers and participators have been bound by the sentence of excommunication, returning to his right mind, shall, by the order of the Church, have driven out those excommunicated persons whom before he favoured ; nevertheless, he shall not be counted as absolved before he shall receive the grace of absolution ; nor if he should fall in a war of this sort are absolutions or oblations to be received for him ; nor are prayers to be offered to the Lord for him, unless both his repentance while alive shall have been made clear by manifest signs, and the benefit of absolution shall have been bestowed on him when dead, according to the tenour of our constitution on this behalf." Bailly, Tom. III. p. 90.

The stringency of these canons, is necessarily mitigated by the constitution of Martin V. in the Council of

Constance, *ad Evitanda*, which allows of communication with excommunicated persons to avoid the scandals and inconveniences which arose from the increase of heretics, and which restricts the rigour of the sentence to the excommunicated who are denounced by name, but it does not, we are informed by Bailly, afford any relief to them in this respect, that they are not to be prayed for; and therefore these canons are quoted by him as retaining all their stringency in this particular, and proving that by them the Church makes such prayers even if offered of none effect. (See *Rep.* pp. 32, 33.)

ON PRIVATION OF CHRISTIAN BURIAL.

The next Canon Law that has been cited from Bailly, (*Rep.* p. 33), relates to the Privation of Christian Burial, as one of the effects of Excommunication. It is proved from Decret. Greg. Lib. III. Tit. xxviii. cap. 12, *Sacris*. Innocent III. A.D. 1190. The heading of it is :

“If the bones of those excommunicated be buried in consecrated ground, and can be discriminated from the others, they ought to be dug up and cast out in some place near.”

There is another on the same subject referred to in the same page of Bailly, which has not been cited. It is from the Decret. Greg. Lib. III. Tit. xl. cap. 7, *Consulenti*. It is also from Innocent III. A.D. 1212, and ordains,

“That cemeteries in which it happens that the bodies of the excommunicated have been interred, shall be reconciled by the sprinkling of water solemnly blessed.”

ON PRIVATION OF BENEFICES.

The next effect of Excommunication is the Privation of any Benefice, and the Canon Law to confirm the same is

from Decret. Greg. Lib. v. Tit. xxvii. c. 7, *Postulastis*. (*Rep.* p. 34). It is likewise from Innocent III., A. D. 1213; the heading is:

“The gift of a benefice to an excommunicated person is void, and a person who knowingly confers it on such is suspended from presenting to benefices.”

This law and all the principles connected with the subject serve to explain a question in the Conference-Book of the Irish priests in the year 1830, to be found in their Directory the year before Dens was made the standard for the Province of Leinster :

“*Quinam in Hiberniâ beneficiarii juste vocantur ?*”

“Who in Ireland are justly called beneficed persons ?”

It is quite evident from their Canon Law, that in that country, and now in England, if the episcopal and parochial system be permitted to the Church of Rome, the Protestant Bishops and Clergy are denounced by the Canon Law as unjustly holding their sees and benefices, being excommunicated heretics.

ON PRIVATION OF CIVIL SOCIETY.

The effect of Excommunication, that it deprives of Civil Society, is confined in Bailly to those who are denounced, *Excommunicati denunciati*.

There is cited by Bailly the Canon Law, Decret. Greg. Lib. v. Tit. xxxix. cap. 29. Also of Innocent III., A. D. 1212, *Nuper nobis* ; in the heading of which it is stated, amongst other things :

“A person knowingly holding communication with an excommunicated person in his crimes, is excommunicated, and unless some difficulty prevent, ought to be absolved by the person who has excommunicated him with an oath.”

Also another from the *Decretum Gratiani*, Decret. 2. Causa xi. quæst. 3. cap. 17, from Pope Calixtus ; the number of the Pope and year not given.

"Let no man receive or reject any persons excommunicated by priests before a just examination of either party, nor hold communication with them in prayer, or meat, or drink, or kiss, nor let him say *Ave* to them; because, whosoever shall in these or in other things prohibited, knowingly hold communication with those who are excommunicated according to the institution of the Apostle, shall himself be subjected to a like excommunication."

Several other Canons are added from the same part of the Canon Law, to the same effect, and all to justify the memorial line which regulates the absence of communication with the excommunicated:

"Os, orare, vale, communico, mensa negatur."

But the permission to hold communication on certain grounds is regulated by another line:

"Utile, lex, humile, res ignorata, necesse."

That is, a certain utility, or the obligation of a law, or a man being in the position of a servant or dependent, or ignorance of the excommunication, or necessity, may allow of intercourse.

CANON LAW ON INTERDICT.

In the Treatise on an Interdict and its effects, Bailly, Tom. III. p. 139, there is a Canon Law cited from the 3rd Lateran Council, A.D. 1179, under Alexander III. Decret. Greg. Lib. v. Tit. vii. cap. 8, *Sicut, de Hæreticis*, quoted as the authority for interdicting Christian burial to heretics, (*Rep.* p. 34.) It seems important to quote this Canon Law: one part of it is as follows:

"Although Ecclesiastical discipline, content with sacerdotal judgment, avoids sanguinary revenge, nevertheless it is aided by the institutions of Catholic princes, so that men often seek a salutary remedy when they fear that corporal punishment shall befall them. Therefore," &c.

The part which follows is cited as the authority in Bailly :

“ Because in the parts of Toulouse and other places of heretics whom some call Gazari, some Patarenes, and others by some other names, a damnable perversity hath prevailed, we decree that they and those who defend and receive them shall be placed under anathema, and we prohibit under anathema that any shall presume to have them or to entertain them in their house or in their territory, or to carry on any negotiation with them. But if any shall die in this iniquity, neither under pretence of any privileges of ours granted to any such, nor under any other pretext whatsoever, let any offering be made for them, nor let them receive burial among Christians.”

There is another Canon cited to support this principle, *Quicumque, de Hæreticis*. It is taken from Sext. Decret. Lib.v. Tit. ii. Cap. 2 (see *Rep.* p. 34), Alexander IV. A.D. 1258. It is as follows :

“ Whosoever shall have presumed to give knowingly to Christian burial, heretics—those who believe, receive, defend, or favour them, let him know that he is placed under sentence of Excommunication till he shall have made suitable satisfaction. Nor let them deserve the benefit of absolution till with their own hands they shall publicly drag from the tomb and cast out the bodies of damned persons of this sort, and let that spot be destitute of sepulture for ever.”

It seems important that the rest of this Canon Law should be reported. It is as follows ;

“ We inhibit also that it should be lawful for any lay-person publicly or privately to dispute about the Catholic faith. Whosoever shall do otherwise, let him be bound with the cord of Excommunication.

“ But heretics—those who believe, receive, defend, and favour them, and the children of these, even to the second generation, may not be admitted to any Ecclesiastical benefice or public office. But if it shall be done otherwise, we decree that it be null and void.

“ Moreover, any Ecclesiastical men who, at the request of

such pestilent persons, shall have obtained dignities, presentations (*personatus*), and any other Ecclesiastical benefices, we henceforth deprive them of those so acquired, willing that such persons shall be for ever deprived of those which they have, and if they have received them knowingly, that they shall never hereafter be admitted to any others or similar.

“But the emancipation of those children of whose parents it shall appear even after such emancipation, that before it they had declined from the way of truth to the false way of heretical superstition, we will to be of no force, as made by men of their own authority, since it is fit on the account of the atrocity of so great a crime, that children should cease to be in the power of heretical parents.”

It is necessary to transcribe some of these Canon Laws into this Report, as it were impossible otherwise to convey an adequate knowledge of the real principles of the Church of Rome.

This Law last cited is twice quoted in Bailly, as the authority for proving the irregularity incurred by the crime of heresy (see *Report*, p. 35); we have given in that place a translation of a Decretal of Boniface VIII., quoted from the same part of the Canon Law, Sext. Decret. Lib. v. Tit. ii. Cap. 15, *De Hæreticis*—about A.D. 1298.

These laws are dated from A.D. 633 to A.D. 1298; and if we may judge from these documents, so far from there being the least symptom of mitigation or improvement, the laws of the worst and darkest ages of intolerance and persecution are those cited in the books of Moral Theology for the priests of the Church of Rome at this day. We have merely followed their own course, extracted their own principles, and given their own laws, and there is no choice, for they have no others on the subject.

There do not exist, as far as we can find, any Canon Laws of the Church of Rome connected with that which they call Heresy, of any other character. They are all

antisocial, intolerant, and persecuting : and being for the most part extracts from Canons of General Councils, or Decretals or Rescripts from Popes *ex cathedra*, those who hold the Ultramontane doctrines, as it is evident they are pledged to teach and hold them in Ireland, must necessarily consider such Documents as of infallible authority, and consequently of corresponding obligation.

The quotations from the other Class-Book of Maynooth which we have given (*Rep.* pp. 36—38), evince from the citation of the formula of the Council of Constance, not only that the Council, but the author who cites it, maintains that no person should be accounted a Catholic who does not approve of the condemnation, not only of the books and doctrines of John Huss and Jerome of Prague, but also of the individuals themselves to the stake, for their principles.

CANON LAW IN DENS'S THEOLOGY.

We now pass from the Class-Books of this College to consider the Canon Law, as cited in the Theology of Dens, by which the priests are trained "to direct the consciences of the people."

We have remarked that the 55th Canon of the 4th Council of Toledo is quoted in Dens (Tom. II. p. 80), as an authority for compelling heretics, by corporal punishments, to return to the faith (*Rep.* p. 41), as it is cited in the Class-Book of Maynooth (*Rep.* p. 32 *de Judæis*).

In treating of the punishments of heresy, which we have translated (*Rep.* pp. 39—43), the same Canon Law is quoted in Dens, to prove the incapacity of a heretic to hold a benefice, which is quoted in Bailly, and which we have translated (*Rep.* pp. 66, 67, *Quicunque, de Hæret. in 6*). There is also a law in Dens, on the privation of their benefices (Lib. v. Tit. ii. cap. 12, *Ut commissi, de Hæreticis*,

in Sexto), of which it seems right to give the translation here.

It is a Decretal or letter missive from Boniface VIII. to the Inquisitors of heretical pravity, bearing date A.D. 1298, and is as follows :

“That you may more usefully and more fruitfully discharge the duty of the office committed to you, we, following the footsteps of Innocent, Alexander, and Clement, our predecessors of holy memory, grant to you and each of you a plenary power of carrying into effect the citations and denunciations of sentences which ye have received against any heretics, those who believe, receive, defend, and favour them. Of calling to your aid also, as it may seem expedient, any persons of ability to assist you, and to afford you suitable counsel in pronouncing sentences of this sort, and of enjoining them that they should humbly obey you in these things in virtue of their obedience (to us). Also of convoking the clergy and people of states, camps, and other places, as ye may see it to be expedient for the aforesaid business of the faith. And of proceeding against those, of whom it shall appear that they have been guilty of the crime of heresy in the province in which the office of Inquisition is committed to you, although they may have thought it expedient to transfer themselves to other parts. Also of causing that books, or written quaternos, and other writings, in which, inquisitions made, or processes had, by any persons by the authority of the Holy See or of its Legates against heretics, are contained. And of mitigating or commuting, as you may see expedient, in conjunction with the prelates under whose jurisdiction they are placed, the punishment of those who humbly, obedient to your commands, are shut up in prison or other places of confinement on account of heresy. Besides, of depriving or of informing those same heretics, those who believe, receive, and defend them and their children and grandchildren, that they are deprived of dignities and all other Ecclesiastical benefices by the counsel of their Diocesans, or, in their absence, of their Vicars-General, and of public offices and all honours whatsoever.

“But the Diocesans are to be appealed to in depriving such, or in telling them that they are deprived of benefices and things

of this sort, unless, perhaps, it might legitimately appear that the same have knowingly conferred the same benefices on persons of this description; for then we think that they ought not to be appealed to, but rather that they should be punished by their own judge."

On the propriety of putting heretics to death there are three authorities quoted.

First, St Thomas; secondly, the sacred Scriptures; and thirdly, the Council of Constance.

The authority extracted from St Thomas we have already quoted (*Rep.* p. 43). The authority from Scripture, according to the infallible exposition, as it is called, in the copies of the Bible that are before us in these Documents, is quoted from Deut. xvii. 12, and the note is as follows:

"Here we see what authority God was pleased to give to the Church-guides of the Old Testament in deciding, without appeal, all controversies relating to the law, promising that they should not err therein, and punishing with death such as proudly refused to obey their decision; and surely he has not done less for the Church-guides of the New Testament."

Here we perceive the priest is made the arbiter of life and death; and when we recollect, as is clear from all their theology and Canon Law, that the fact of public denunciation under the Bull *Ad Evitanda*, immediately exposes persons excommunicated to all the penalties of the sentence, it seems not at all surprizing, that to be denounced by a priest from the altar, which at once brings that sentence into operation, is the sure precursor of persecution, and very frequently of death, to the victim of it.

The authority taken from the Council of Constance corresponds with that given from the Class-Book of Maynooth (*Rep.* p. 37). The 14th Article of John Huss, as given by Carranza in the 15th Session of that Council, was as follows:

"Doctors, teaching that any person to be amended by

Ecclesiastical censure if he will not be corrected, is to be delivered to the secular tribunal, certainly follow in this the chief priests, scribes, and Pharisees, who delivered Christ to Pontius Pilate, when unwilling to obey them in all things." Carranza, *Sum. Concil.* Par. 1678, p. 571.

On this and the other Articles, thirty in number, the Council pronounced a sentence of condemnation; and this sentence cited in the Class-Book of Maynooth, as containing the principles of every one who would be considered a true Catholic, is quoted in Dens, Tom. II. p. 89, as an authority for putting heretics to death. It is prescribed by the Council to be proposed to all those who are suspected of heresy, as follows:

"Also (he is to be asked) whether he believes that the disobedience or contumacy of persons excommunicated increasing, Prelates or their Vicars in spirituals have the power of visiting them with weighty penalties, of placing an interdict on them, and of invoking the secular arm, and that their inferiors are to obey them in their censures." Carranza, p. 578.

CLASS-BOOKS OF CANON LAW IN MAYNOOTH.

Having reported the Canon Law referred to in the Class-Books of Maynooth, and in the brief extracts taken from the Theology of Dens, it is important to consider the Class-Book of Canon Law in which the students in that College are instructed; and we find the authority for ascertaining this and all other books used there, stated in Document No. 10, p. 10, which refers to the Appendix to the 8th Report of the Commissioners of Education in Ireland, pp. 449, 450, for the return made by the President of Maynooth of the Class-Books and standard works of reference used in that Seminary. It appears that the Class-Books are those which the Students are obliged to purchase at their own expense, for their constant use; and the standards are books of authority to which they

are referred for the subjects treated of in their Class-Books.

We have extracts from a book, which it is stated that the head class in that College are obliged to purchase, Cabassutius on Canon Law. They are found in Document 17, p. 129, as follow :

“ Likewise the *Bulla Cœnæ* punishes by excommunication, reserved to the Pope, forgers of Apostolic Letters, but when that reservation is not admitted, nevertheless the Excommunication not reserved, remains against such, which it decrees to be incurred *ipso facto*. Cap. *Ad falsariorum de crimine falsi*.”

This is a reference to the Decretals of Gregory in the Canon Law. We shall finish the extracts before we advert to the references.

“ Heretics also, and those who favour and receive them, the ancient law excommunicates *ipso facto*, without any reservation to the Pope, Cap. *Sicut ait*, and Cap. *Excommunicamus, de Hæreticis*, and Cap. *Noverit, de Sent. Excommunicationis*. Absolution from this excommunication the *Bulla Cœnæ* afterwards reserved, to the Pope. But the Council of Trent (Sess. xiv. Cap. 6 *de Reformatione*) reserved it to the Bishops of the respective places alone, which Tridentine Law we use in France.

“ This is also to be observed in the aforesaid cases, of striking the Clergy, simony, presumption, arson, sacrilegious rapine with burglary—conveying arms to infidels,—falsification of Apostolic rescripts, and heresy—that Excommunication *ipso facto* is not only incurred by those who are guilty of them, but also by those who afford counsel, assistance, or shelter to them, as the aforesaid Canons and the Apostolical Bulls ordain.” Cabassutius, Lib. v. Cap. xv. Sec. 8, 9. Ed. Dub. 1824.

Although it is evident from the facts that this Class-Book of Canon Law, which is of the Gallican school, is really not the system inculcated on the Irish Priesthood, but that they are trained by their Bishops in the Ultramontane principles; yet even in the Gallican Church, as we have before remarked, the principles of intolerance and

persecution of heretics are precisely the same as in the Church of the Italian States, for the Gallican liberties do not comprehend these doctrines. And it is very important to attend to the Canon Law, cited from the *Corpus Juris Canonici*, to shew the principles even of this Gallican Class-Book of this College.

The first Canon quoted is *Ad falsariorum*, which we find in the Decretals of Gregory, Lib. v. Tit. xx. Cap. 7—a Decretal of Innocent III. A. D. 1212. The heading of this Canon proves that the Church condemns to death, and is as follows :

“Those who by themselves, or by others, falsify (or forge) letters of the Pope, are excommunicated, with those who favour them. And clergy are deprived of their orders and benefices, and to be degraded and delivered to the secular power, by which also laymen are legitimately punished,” (the words of the decretal itself are, *Postquam per Ecclesiasticum Judicem fuerint degradati, seculari potestati traduntur secundum constitutiones legitimas puniendi*). “But the person who uses false letters, if he is a clergyman, is deprived of his orders and benefice, if a layman, he is excommunicated.”

The next Canon Law which is cited in this passage *Sicut ait*, is the extract from the third Lateran Council, A. D. 1179, which we have translated above (*Rep.* p. 65), as it is cited in Bailly, in the treatise on the effects of an interdict, and should be referred to again by the reader to see the full references here.

But the next Canon cited by Cabassutius is of very great importance in a Report on these Documents; it is entitled *Excommunicamus, de Hæreticis*; and on referring to the *Corpus Juris Canonici*, from which it is quoted, we find it in the same Decretals of Gregory, Lib. v. Tit. vii. Cap. 13, *de Hæreticis*. It is the celebrated 3rd Canon of the 4th Lateran Council, A. D. 1216, which holds a very prominent place in the Canon Law of Rome, and in the evidence

furnished by these Documents. We translate this Canon here, cited by the Canonist of Maynooth, and the reader can refer to it hereafter, as it may seem necessary.

“ We excommunicate and anathematize every heresy which exalteth itself against this holy, orthodox, and Catholic faith, which we have set forth above, condemning all heretics, by whatsoever names they may be called, having indeed their faces turned different ways, but their tails bound together; for from their folly they agree in the same thing.

“ But let those who are condemned, be left to the secular powers who are present, or to their officers, to be punished with the just punishment, the clergy being first degraded from their orders, so that the goods of persons of this description being condemned, if they be laics shall be confiscated, but if clergy, they shall be applied to the churches from which they have received their stipends.

“ But whosoever shall have been found marked by mere suspicion, unless according to the nature of the suspicion and the quality of the person they shall have proved their innocence by a suitable purgation, let them be smitten with the sword of anathema, and avoided by all, till they have made condign satisfaction; so that if they shall have persisted for a year in a state of excommunication, they shall thenceforth be condemned as heretics.

“ But let secular powers be admonished, and induced, and, if necessary, compelled by Ecclesiastical censures, whatsoever offices they hold, that as they desire to be reputed and held faithful, so they should publicly set forth on oath for the defence of this faith, that they would endeavour *bona fide*, to the best of their ability, to exterminate from the territory subject to their jurisdiction all heretics who are branded by the Church, so that in some way, whensoever any person shall have been exalted to any place of power, whether spiritual or temporal, he may be bound to confirm this order by an oath.

“ But if any temporal power, being required and admonished by the Church, shall have neglected to purge his territory from heretical corruption, let him be bound by the Metropolitan and the other comprovincial Bishops with the chain of excom-

munication; and if he shall contemptuously refuse to make satisfaction within a year, let this be signified to the Chief Pontiff, that from that time forth he may declare his subjects free from their allegiance to him, and expose his territory to be seized by Catholics, who may, without any contradiction, having exterminated the heretics, take possession of it, and preserve it in the purity of faith, saving the right of the Chief Lord, provided only that on this he himself shall not present any obstacle, nor oppose any impediment. The same law nevertheless being observed as to those who have not any Chief Lord.

“But let Catholics who having taken the sign of the Cross, have girded themselves to the extirpation of heretics, enjoy the same indulgence, and be fortified with the same holy privileges which are granted to those who go to the succour of the Holy Land.

“Moreover, we decree that all believers, receivers, defenders, and favourers of heretics, shall fall under excommunication, strictly ordaining that after any of such persons shall have been branded by excommunication, if he shall contemptuously neglect to make satisfaction within a year from that day forth, he shall be rendered infamous *ipso facto*. Let him neither be admitted to public offices nor councils, nor to elect any for such, nor received as a witness. Let him be also incapable of making a will, so that he may neither have the privilege of bequeathing property, nor let him succeed to any inheritance. Let no man, moreover, be compelled to answer him on any business, but let him be compelled to answer others. But if he shall happen to be a judge, let his sentence have no force, nor let any causes be brought to his hearing. If he be an advocate, let his pleading be by no means admitted. If a notary, let instruments drawn up by him be of no weight, but let them be condemned with their condemned author; and in similar cases we command that the same be observed.

“But if he shall be a Cleric, let him be deposed from every office and benefice, that the heavier vengeance may fall on him in whom there is the greater crime.

“But if any shall contemptuously neglect to avoid such after they have been marked by the Church, let them be

smitten with the sentence of excommunication until they make proper satisfaction.

“Nor truly let the Clergy administer the Sacraments of the Church to pestilent persons of this sort, nor let them presume to deliver them to Christian burial, nor let them receive their alms and oblations; otherwise let them be deprived of their office, to which let them never be restored without an especial indult of the Holy See. Let the like be observed in the case of all regulars, upon whom let this also be inflicted, that their privileges shall not be preserved in that Diocese in which they shall have presumed to perpetrate such excesses.

“But because some, under the pretence of godliness, but according to what the Apostle says, ‘*denying the power thereof*,’ arrogate to themselves this authority of preaching when the same Apostle says, ‘*how can they preach except they be sent?*’ let all who being prohibited, or not being sent, shall presume to usurp the office of preaching publicly or privately without authority received from the Holy See, or the Catholic Bishop of the place, be bound with the chain of excommunication; and unless they shall repent immediately, be smitten with another suitable punishment.”

There are two sections more of this celebrated Canon, which it will be necessary to translate in another place; but this being quoted as Canonical Authority in the present Class-Book of Canon Law used at Maynooth, proving that it is not only extant in the Canon Law, but cited and asserted as the existing authority for the Church of Rome in her dealing with heretics, it is indispensable that it should be translated as part of the evidence of these Documents.

Cabassutius cites another law of a later date, namely, Honorius III. 1224, *Noverit, De Sent. Excom. Decret. Greg.* Lib. v. Tit. xxxix. Cap. 49. This is a Rescript of this Pope, and is as follows:

“We excommunicate all heretics, of either sex, by whatsoever name they may be called, and the favourers, receivers,

and defenders of the same. And those likewise who shall have caused to be observed statutes edited, and customs introduced in other respects against the liberty of the Church, unless they shall cause them to be removed from their census-books within two months after the publication of this Sentence. Also we excommunicate the framers, *statutarios* (or keepers), and writers of those same statutes; also the Powers, Consuls, Rulers, and Counsellors of places where statutes and customs of this sort were edited or observed. Also those who have presumed to give judgments according to them, or to transcribe judgments so given into a public form."

It seems to be in reference to the doctrines contained in these Canon Laws, that the principle of not keeping any faith with Heretics, where the interests of the Church are involved, is to be found. There are Extracts from another Canonist, who is stated in these Documents to be one of the standard authorities at Maynooth, whose testimony seems conclusive on this subject. We are referred in No. 10 of these Documents, p. 51, to the Canonist Reiffenstuel, whose work was returned by the President of Maynooth to the Commissioners of Education as one of the standards of that College, Ap. 8th Report, p. 450. It might perhaps be thought that this extract had more properly belonged to those given from the Books of Moral Theology on Oaths; but it seems important to shew not only that their Canon Law ratifies the Doctrines of their Class-Books and Conference-Books on that subject, but also the practical application of that principle in all oaths taken by public men when the interests of their religion are at stake. The extracts are taken from the 2d Book of the Decretals of Reiffenstuel, Tit. xxiv. Sec. 2, *De Interpretatione Sacramenti*, No. 50.

Query: "What conditions may be considered to be tacitly included in every promissory oath?"

He answers:

"In every promissory oath, *however absolutely* made, certain tacit conditions are understood." *Ib.* No. 51.

Among these he states,

"The second is saving the right and authority of my superior, *Salvo jure et auctoritate superioris.*" *Ib.* No. 53.

Then in his next section he proposes this question:

"Whether and how far an oath imposes an obligation of keeping the statutes, capitulations, or customs of any Church or community, when there are contained in them any things which are unlawful, or verge to the prejudice of the Church, or the dignity to which the man who takes the oath is raised."

The answer first given is,

"A general oath of keeping the statutes and capitulations or customs of any Church or community obliges only to keep things lawful, possible, and not prejudicial to Ecclesiastical liberty. This is the common opinion, and it is expressly decided in the first Chapter of the Decretals of Sixtus, on this title, *De Jure-jurando.*"

It is a Decretal of Nicholas III. bearing date A.D. 1278. This decision of the Canon Law is as follows:

"It happens in some Churches, according to their custom, that neither their Prelates (when first they come to their Churches) are admitted, nor Canons (when new Canons are to be received there) are otherwise received in them, unless they swear inviolably to observe the statutes and customs of those Churches written and unwritten. Amongst laymen also, in many states, camps, and countries, in assuming their places of power, rule, or office, a disease of custom has crept in; that powers, rulers, and officials of this description, are by no means admitted to their places of power, rule, and office, unless they first swear that they will keep the statutes pertaining to those places.

"But because in those aforecited statutes and customs some things are sometimes found unlawful, or impossible, or obstructive of the liberty of the Church, lest, in such a comprehensive mode of swearing, an occasion of sinning might be afforded to those who so swear, since an oath cannot have been instituted that it should be the bond of iniquity, desiring by this general consti-

tution to obvert the dangers of souls ; We command that oaths of this sort shall not so far be taken by any persons, knowing that in the aforesaid customs and statutes there are contained things unlawful, impossible, or obstructive of the liberty of the Church ; and such oaths to be taken, or having been taken with that intention, that even things unlawful, impossible, or obstructive of the liberty of the Church, should be observed, (since they could not be taken, even with such an intention, without offence against the Divine Majesty) we decree that in things of this sort impossible, unlawful, or obstructive of the liberty of the Church, they *are not to be kept*, but rather for the salvation of souls, if it shall have happened that, under the aforesaid, or any similar form, any persons being ignorant have sworn things aforesaid unlawful, or impossible, or obstructive of the liberty of the Church, the intention of those who have sworn ought to be referred only to the observance of things lawful, possible, and not obstructive of the liberty of the Church. We declare also that oaths under a generality of this sort, in whatsoever manner, or under whatever form of expression they have been taken, or shall be taken, are only extended to things lawful, possible, or not obstructive of the liberty of the Church ; and that those who swear are not bound to anything else by taking an oath of this description."

It is perfectly clear from this, how the principle of not keeping faith with heretics, or being bound by any oath where the interests of the Church of Rome are involved, is to be fully and satisfactorily explained.

It is a principle universally admitted, that an oath to do a thing impossible cannot be kept ; and that an oath to commit an unlawful act, as for instance, to rob, or murder, ought not to be kept ; and that such an oath ought not to have therefore any obligation on the conscience. The Church of Rome brings this principle prominently forward in this Canon on the Observance of Oaths. She repeats these words "unlawful and impossible," "lawful and possible," seven times in this Decretal of Canon Law ; but she always places in the same category with these, any act

that tends to obstruct her own liberty, or, in short, to interfere with her interests. Therefore every man, whose conscience is guided by her morals and her Canons, if he finds that the observance of an oath would interfere with the interests of his Church, is taught to consider that such an oath ought not to bind his conscience any more than an oath to do an impossible act or to commit robbery or murder.

This Canon is made expressly for men who take oaths to qualify themselves for any office in a nation; and it is perfectly plain, that an oath to qualify for any office, from a seat on the Bench, a seat in the Privy Council, a seat in Parliament, to the panel of a Jury-box, cannot induce the shadow of an obligation where the interests of the Church of Rome are involved, on a conscience regulated by these principles; and that the more devoted a man is, in his conscience to the dictates of his religion, the more scrupulously and conscientiously will he violate his oath.

Extracts from the body of the Canon Law might be considerably expanded from the Documents placed before us; but these are quite sufficient to give a view of that code on these subjects; and it does not appear that any principles different from these are to be found in the *Corpus Juris Canonici* or *Bullarium*, respecting the power of the Pope, the obligation of oaths, or the treatment of heretics. Our attention is called however to another code of Canon Law, which, while many of its decrees can boast of equal antiquity with those cited from the *Corpus Juris Canonici*, carries with it all the weight and authority of being specially and recently set forth by the present Roman Catholic Bishops in Ireland, as the code which they have published and put into force and operation in that country.

Before we enter on this subject, it is of consequence

to ascertain what that process is, whereby the Canon Law of Rome is brought into force and operation in any country; and this seems especially important when a foreign power announces the appointment of officers, and the apportionment of England under them, for the avowed and direct object of carrying into effect his Canon Law throughout our land.

The evidence contained in these Documents enables us to discover,

First, what is the approved mode of setting forth and putting into operation the Canon Law of Rome in a country.

Secondly, that the Bishops of the Church of Rome have set forth and put into operation a certain code of Canon Law in Ireland; the time when it was done, and the nature of that code of Law.

We find in Document No. 10, pp. 11—18, extracts from various sources, which shew how any Papal Canons, Decretals, Bulls, and Constitutions of Popes, come to possess authority over men's consciences, and what is the authority which they possess.

If they be Canons of General Councils, then the authority which they possess is authority derived from the infallibility of the power that has enacted them. The oath of every Bishop, and every beneficed Priest of the Church of Rome, which is the Creed of Pope Pius, embraces this. The 11th Article of the Creed is as follows:

“I likewise undoubtedly receive and profess all other things delivered, defined, and declared by the Sacred Canons and General Councils, and particularly by the Holy Council of Trent; and I condemn, reject, and anathematize all things contrary thereto; and all heresies which the Church has condemned, rejected, and anathematized.”

They receive the Canons of these Councils because

they are infallible. So Delahogue, the Class-Book of Maynooth, asserts (*Treatise de Ecclesia*, p. 166, Ed. Dub. 1809), thus :

“ Councils, General in their convocation and celebration, are infallible.”

In the course of his proofs, p. 169, he says :

“ This is proved, 4thly, from the constant faith of all ages ; for always and everywhere, in the Universal Church, the Decrees of General Councils have been held as sent forth by infallible authority, which are to be received by all the faithful as *the Law and Rule of the faith to be kept*. This points out evidently that supreme tribunal of the Church which they who resist are to be counted as *heathens and publicans*.” Matt. xviii.

Therefore Canons of General Councils adopted, as we have seen, into their Canon Law, are held to be of infallible obligation on the consciences.

But again: those who hold the Ultramontane doctrines consider the Pope infallible when speaking *ex cathedra* ; that is, when he gives officially his Decretals, Bulls, Rescripts, or other documents on faith or morals ; and when any of his documents are received by the Bishops in any country ; when either any new documents emanate from the Papal See ; or when any Papal Decretal of any previous date is published in any country by any Bishop ; if it is not reclaimed against by the majority of the other Bishops, then that is also of infallible obligation ; for the consent of the Church dispersed, is the same as that of the Church collected in council, and therefore is equally infallible.

This principle is stated in the Class-Book of Maynooth, Delahogue, *de Ecclesia*, p. 152 :

“ A dogmatical definition addressed by the Chief Pontiff to all the Churches, and promulgated in a sufficient manner, is by the bishops truly approved, in the very fact that they do not reclaim against it, and that is then to be held as an immutable judgment of the whole Church (*irreformabile judicium*).”

In the course of the same chapter, and in the next page, he cites the authority of Felix III. on this head :

“The error, says he, which is not resisted is approved, and truth, when it is not defended, is crushed.”

The same principle is laid down in Dens, Tom. II. p. 129, where it is stated as follows :

“Is the express consent of the Bishops required for the infallible authority of a decreed decision, or a definition of the Universal Church ?

“A. No : but their silent consent is sufficient, placed in their silence and non-reclamation after a decreed definition which has come sufficiently to the knowledge of the Bishops ; for in this case to be silent is to consent ; ‘for the error,’ saith Felix III., ‘which is not resisted is approved, and truth when it is not defended is crushed.’ And Saint Augustine, Ep. 109, saith,

“The Church of God neither approves nor passes over in silence those things which are contrary to faith or a good life.”

There is a testimony on this subject from Dr Murray, Roman Catholic Archbishop, which places it in the clearest light. He is asked before the Committee of the House of Commons, May 17th, 1825, Report, p. 582 :

“It has been stated in evidence before this Committee, that Dr Troy, in the year 1793, published a declaration or letter in which he says that the Catholics are obliged to submit to the decisions and decrees of the Pope on points of faith or morals, which are expressly or tacitly assented to or not dissented from by the majority of bishops representing or governing the Church dispersed. What is to be understood from that declaration ?

“A. That it is the doctrine of every Catholic, The Pope as the Head of the Church has a right to address a doctrinal decree to the whole Church. By that very act he summonses the pastors of the Church to say whether or not that is conformable to the Catholic faith, and whether they distinctly express their assent to it, or tacitly signify it by not dissenting from it. It then becomes a declaration that such is the belief of the Church at large ; and as the Church, whether dispersed at large,

or assembled in its general councils, is infallible, its decisions are a rule of faith to which every Catholic is bound to submit.

“There is nothing in this declaration which debars the Catholic bishops of Ireland from exercising their judgment upon those decisions and decrees of the Pope so submitted?”

“Quite the contrary,—they are called upon to exercise their judgment; it is addressed to them for the very purpose of eliciting their judgment, that it may be thus ascertained whether that doctrine is conformable with the general belief of the Church.”

It is therefore perfectly evident from this, that whether the Bishops receive and publish a bull or letter, as that recently sent over by the present Pope,—or whether they publish any Bull or Decretal of any other Pope from the earliest date to the present, that they by such publication give to that Bull or Decretal, or whatever Papal instrument it may be, the force and authority of infallible obligation on the consciences of those who believe in and submit to the doctrines of the Church of Rome.

Hence arises the fact which is fully borne out by their own evidence in these Documents, that whenever any Bishop or Bishops publish a Papal Decretal or Bull in a country, which is sufficiently notified to the other Bishops, that if they do not express their dissent from it, that Bull is thereby put in force and operation in that country, and to be held as of infallible obligation as a law of their Church.

The evidence quoted in this Document (No. 10) on the subject is that of Dr M^cHale, Dr Doyle, and Dr Slevin, Professor of Canon Law in Maynooth. The first, Dr M^cHale, in the Appendix to the 8th Report of the Commissioners of Education in Ireland, 1825-6, No. 37, p. 290, is asked :

“You will observe that so late as the year 1741 there is a Bull excommunicating all persons without exception, or without

any limitation of time or place, who bring Roman Catholic Ecclesiastics before lay tribunals. Can you explain how it is that that does not apply to the case that is put?

"A. With regard to Bulls of this sort, they are never binding upon us unless we receive and publish them,—that Bull was probably never published in this country, and therefore we have nothing to do with its contents.

"How would it be known by a Roman Catholic clergyman in this country whether a particular Bull of the Pope was or was not received in Ireland?

"A. Either from his Bishop or the Metropolitan.

"Supposing it was thought desirable to know whether a particular Bull had been published in this country or not, how could that be ascertained?

"A. From the Bishops.

"Is there any official or other means by which it would be possible to ascertain what Bulls have been received in Ireland during the last century?

"A. I cannot say; I should think that Dr Murray, or Dr Kelly, or those Bishops who are old in the ministry, would be able to furnish information upon that subject; but, as far as my information extends, none have been received."

In the examination of Dr Doyle before the Committee of the House of Lords, (see *Report*, p. 504), he is asked on this same Bull:

"Q. Is the Bull *In Cæna Domini* now in force?

"A. There are portions of that Bull that were in force since the time of Christ, but the Bull as a Bull is not in force, nor ever was in force in Ireland, and has been rejected from almost all the Christian countries of Europe. If that were in force there is scarcely anything would be at rest among the Catholic states of Europe; and they have been as solemn and as earnest in protesting against it, as we have been at any period in England or Ireland.

"Q. Was not the same Bull—the Bull *In Cæna Domini*—declared to be in force in 1793?

"A. Not only that, but it may, for ought I know, have been declared during the last year to have been in force; but

their declaring it to be so in force does not make it to be in force with us. We have never received it, and surely never will."

It is necessary to add to this the testimony of Dr Slevin, the Professor of Canon Law in the College of Maynooth. He is asked, as we find in the same *Report*, (p. 214),

"In what manner is it determined in Ireland whether any particular Bull that may come into this country is received or not received in the country so as to form a portion of its Canon Law ?

"A. By the same rule as in all other countries, by its publication, or general adoption in practice.

"Q. Its publication, in what manner ?

"A. If it be published in the country, we then consider that it is binding."

We learn from this evidence, that whether a Bull is in force or not, is to be ascertained from the Bishops. Dr M^cHale refers to Dr Murray as the first authority in Ireland on the subject. Dr M^cHale and Dr Doyle both state that the *Bulla Cane Domini* was not in force in Ireland, *solely because it was not received or published under the sanction of the Bishops*: and the Professor of Canon Law in Maynooth expressly asserts, that *the simple publication of any Bull in a country makes it binding, and that thus it forms a portion of the Canon Law in that country where it is published*. The question then which now seems necessary to be ascertained for the full elucidation of this truth is this: Since the reception or the publication of any Papal Decretal by any Bishops in a country, unless it be reclaimed against by the majority of the Bishops, gives to it the force and obligation of Canon Law, so as to be binding on the consciences of Roman Catholics; how are the principles and doctrines of this Canon Law to be promulgated among the population ?

We are enabled to ascertain this from the Document No. 10, p. 16.

There appear to be three modes for the promulgation of a Bull among the people; one that which is practised at Rome, by fixing it on the doors of the churches.

Another mode is, by being read aloud by the priests in all the churches in the dioceses throughout the land. It is manifest that both these modes of publication can only be adopted in countries where the laws so published are in perfect accordance with the government of the country.

The third mode of promulgation appears to be the most approved, as it is certainly the most efficient, viz. that of conveying the laws from the Metropolitans to the Bishops, from the Bishops to the Priests, and through the Priests individually to the flocks committed to their charge. This last mode of promulgation, if managed with secrecy between the Bishops and the Priests, can easily diffuse the principles of any Canon Law secretly, but effectually, through the Roman Catholic population, however opposed such law may be to the government of the country. We quote the evidence from the high authority of Van Espen on this subject, as collected in Document No. 10, pp. 16, 17.

VAN ESPEN, *De Promulgatione Legum*, Part 1. Cap. 2. Ed. Nap. 1766, 4to, p. 221, says:

“The form of promulgation through the provinces is also to be observed in the promulgation of the Ecclesiastical Laws.”

SECT. I.

“The form of promulgating laws through the provinces Justinian wished to be observed even in Ecclesiastical Laws, and the Church of Rome hath approved that law of Justinian.”

The Canonist then quotes from the Sixth Novella as follows :

“Let the most Holy Patriarchs of each diocese set forth those things which have been constituted by us in the Churches appointed under them, and make them known to their Metropolitans, let them again make them known to the Bishops appointed under them, but let each of them set them forth in their own Church, so that no man in our commonwealth may be ignorant of those things which have been ordered by us for the honour and glory of the Great God and our Saviour Jesus Christ.”

SECT. II.

The title of this section is :

“The Church hath preserved this same form of promulgation from the earliest ages.”

“But since scarcely any similar notification can be had unless the general Ecclesiastical Law should be set forth to the people through each of the Provinces or Dioceses by their own Bishops respectively, or be publicly exposed in those places to which the people have easy and frequent access ; we see that the Church has preserved this form of promulgation from the earliest ages.”

It is said again in the same section :

“There is no doubt therefore but that from the earliest times of the Church the Ecclesiastical Decrees were sent to the Metropolitans, that by them they might be sent to the Bishops who were under them.”

SECT. III.

The heading of this section is :

“The mode of Ecclesiastical Government instituted by Christ requires promulgation through the Dioceses.”

This mode is described in this third section :

“Since therefore the Prelates of the Church are bound to rule the people of Christ according to the spirit of Christ, which is not the spirit of bondage in fear, but of the adoption

of sons of God ; they are bound also truly to labour that the faithful should receive their laws, not as slaves through fear of punishment, but voluntarily, and as sons.

“But nothing can be more opportune for this than that the laws should be set forth and intimated to the people respectively by their own immediate pastors persuasively, and their utility and necessity should be expounded to them so effectually and blandly, (*tam efficaciter et suaviter*), that they should rather submit themselves to the observance of the law spontaneously, and with Christian affection, than be driven to the observance of it by authority and the fear of punishment.”

The effectual working of this system by the priests is enjoined and illustrated by this Canonist in the next page, thus :

“But among the pastoral functions the chief is known to be the instruction of the people, which if it is not observed completely by every one of the pastors, the whole order of the Hierarchy is evidently subverted.

“Since therefore it is fit that the people should be instructed by their immediate pastors, it is also fit that by the same (their own pastors) they should understand new laws, according to which they ought hereafter to regulate their life and guide their morals : it therefore is not wonderful that the Church hath always held and preserved this mode of promulgation, as has been shewn in the preceding section.”

Having seen in the early part of this Report the system of training the priests in conferences established by the Roman Catholic prelates, for the purpose of instructing them how to “direct the consciences of the people,” and having seen the standard work of *Moral Theology* in which those priests have been instructed and trained for this purpose, it is evident that if a code of laws were to be found to give to that theology the power of canonical authority, in all or any of its parts or principles, the staff of priests so drilled in conferences in the theology, were the very body of officers organized according

to the Church's most approved system to carry out the promulgation of her Canon Law. It is from these documents that we discover the appointment of the Theological Conferences, and the standard work from which the questions of these Conferences were taken: and the same testimony informs us that the Collection of the Bulls of Benedict XIV., which we find, from the Maynooth Professor's evidence, to be a part of the Canon Law (*Report*, p. 60), was printed, and added, under the surreptitious title of an 8th Volume to this Theology of Dens, in the year 1832, and brought out expressly under the sanction and approbation of Dr Murray, as a part of that work by which the priests are to direct the consciences of the people.

The testimony as to the object and nature of the work is taken from the Priests' Directory of 1832, in which is the advertisement of the printer Coyne, who has printed the book, and who printed both the editions of Dens, in 1808 and in 1832. His advertisement, which is evidently drawn by the hand of a master both of the work and the subject, states:

"This additional volume, which is now for the first time annexed to the present edition (of Dens) contains Encyclical Letters of the Sovereign Pontiff, bearing on the subjects contained in the work; as also the Constitutions of Benedict XIV. in which he has defined questions formerly controverted among divines, and wherein he has decided subjects principally regarding Moral Theology. Select passages also are cited from his truly invaluable work on the Diocesan Synod, in which the more difficult questions which Dens has only slightly touched on, or may not have sufficiently elucidated, are considered at great length.

"This volume will also contain the whole of the epitome of the Canonical and Moral doctrine of Benedict XIV. carefully selected from his several Bulls, Constitutions, and other theological works, and alphabetically arranged, with references to each particular work, by John Dominick Mansi, Archbishop of Lucca;

presenting thus in a compendious form all the decisions of this learned pope on various doctrinal, moral, and canonical subjects."

It is then added :

"The supplementary matter above referred to has been added with the sanction and approbation of his Grace the Most Rev. Dr Murray."

The words of this advertisement are to be noted. The expressions, *delivered*, *defined*, and *declared*, are those very terms which are applied in the Creed of Pope Pius IV. to those principles which all beneficed priests are compelled to swear that they will observe; and we find this volume "contains Encyclical Letters of the Sovereign Pontiff," and *definitions*, *decisions*, Bulls and Constitutions of Benedict XIV. It is to be observed, too, that all these things are "carefully selected," so that everything contained in this compendium must necessarily be of the most select and conclusive character that can be comprehended in any volume of Canon Law.

And this code of Canon Law, published under the express "sanction and approbation" of Dr Murray, advertised in their Directory, which, as we learn from these Documents (No. 5, p. 11), is necessarily in the hands of every Roman Catholic priest in Ireland, must inevitably have come to the knowledge of every bishop of the Church: and being unreclaimed against not only by a majority of the bishops, but even by a single bishop, it is clear, from the evidence of all their books and their own oral testimony, that such code of law must in such circumstances be *ipso facto* put into force and operation in any country by the very act of its publication. There is one singular fact connected with the advertisement of this volume of Canon Law. It is stated, No. 17, p. 21, that it was advertised but five times in the public press—once in two weekly papers, and three times in

another of the most seditious character, called *The Comet*, which is stated, p. 18, to have been "put down for sedition, and for an attempt to stir up the population to massacre the clergy." In these papers the advertisement, almost verbatim the same as that in the Directory, was headed by the words in large capitals, MOST IMPORTANT, was nevertheless advertised but five times; as it seemed necessary, by advertising it, to give it the sanction of a published code of law, yet equally necessary that it should not be so advertised as to attract too much notoriety to its publication. No. 17, p. 22.

The publication of this Canon Law under the sanction of Dr Murray, his knowledge and approbation of it, and his testimony that it was not only known, but "in much repute in his Church," is proved by his own confession in a letter to his clergy bound with the Encyclical Letter of the Pope, 1832, No. 9 among these Documents, p. 14. Although there are several proofs of the same fact, this from his own authority supersedes every other. It is therefore important to ascertain the nature of this code of Canon Law, and to examine how far it is in accordance with the citations already given from the *Corpus Juris Canonici*, especially on the subjects referred to in this *Report*.

In the Encyclical Letter of Pope Gregory XVI. 1832, published the same year in which this Canon Law was promulgated, (Document No. 9,) the Pope commands the bishops as follows :

"Let the watchfulness and the exertion of all be united against the common enemy for the welfare of the whole community."

And he proceeds to shew how this exertion and this watchfulness are to be best exhibited in the maintenance and assertion of all the Canonical Laws of the Church of

Rome, in all the unabated force and power both of their authority and observance. His words are :

“This duty you will excellently discharge, if, as the rule of your ministry demands, you attend to yourselves and to doctrine, constantly revolving in your minds that the Catholic Church is shaken by any novelty whatsoever, and by the advice of Pope St Agatho, that *none of those things which have been regularly defined ought to be diminished, changed, or added to, but that they ought to be kept inviolate both in words and meaning.*”

It seems scarcely too much to conclude that the code of Canon Law, published by the Roman Catholic bishops in Ireland in the same year when this letter was issued, was in strict compliance with the injunctions of that infallible authority which had given them directions so stringent and significant on the subject.

We proceed then to examine whether we find any of these Canon Laws to bear on the several subjects of this Report.

CHAPTER V.

CODE OF CANON LAW PUT INTO OPERATION IN IRELAND IN 1832.

THIS volume, published under the fictitious title of an 8th volume of Dens, contains 481 pages. The epitome of the "Moral and Canonical Doctrine of Benedict XIV. alphabetically arranged for the convenience of reference." Referring to his Constitutions in his Bullarium, his works *de Synodo Diocesana*, *de Festis*, and *de Missa*, and his *Institutiones Ecclesiasticæ*, is comprised in 186 pages. The remainder of the work contains many of the Constitutions of Benedict XIV. briefed and extracted, referring to subjects and treatises in the Theology of Dens, and the references are given to each distinct passage. We first examine, in accordance with the preceding part of this Report, whether there are any Canonical Laws establishing the doctrine of the Power and Infallibility of the Pope.

CANON LAW ON THE POWER AND INFALLIBILITY OF THE POPE.

We find on this subject a Bull of Pius VI. dated Nov. 28, 1786, commencing *SUPER SOLIDITATE*, (p. 226). At the head of this Bull are the following words: "*SPECTAT. AD No. 90. ET SEQ. TRACT. DE FIDE, Tom. II.*," pointing out the volume and the treatises in Dens to which this Bull refers. On referring to these, it appears the Bull is cited to confirm the principles set forth in Dens on the Infallibility and Power of the Pope, as quoted in this Report, from page 10 to 16.

It is therefore clear that the Infallibility of the Pope—his superiority to a General Council—his universal and

compulsory power over all baptized persons, and his indirect temporal power over all kingdoms, as taught by Thomas Aquinas—in a word, all the Ultramontane doctrines, received from this Bull the full authority of Canon Law in Ireland, as soon as political power had been conceded to the Roman Catholics.

In referring to No. 17, p. 281, it appears, from the Report of the Select Committee of the House of Commons appointed to investigate and report on the laws of foreign states with respect to their Roman Catholic subjects, 25th June 1816, that the Queen of Portugal during the Pontificate of Pius VI. would not permit this Bull *Super Soliditate* to be published within her territories, and that the Papal Nuncio, with all his efforts, could not prevail on the Queen, or on her minister, the Marquis of Ponte de Lima, to admit this Bull within the realm of Portugal.

The plenary power of the Pope, and his indirect temporal authority, however, is not maintained merely by this Bull; but throughout the epitome of the works of Benedict XIV. contained in this volume, the authority of the *Bulla Cœnæ Domini* is continually cited as being in force; and accordingly it is clear that the *Bulla Cœnæ Domini* so referred to, has been in force in Ireland at least since the Theology of Dens was printed by the order of the Synod of Roman Catholic bishops in 1808. We shall therefore proceed to consider what evidence these Documents furnish of the fact as to the publication of the Bull by these bishops, and of the nature of the Bull itself.

THE BULLA CŒNÆ DOMINI.

The same testimony that proves the adoption and printing of Dens's Theology by the Roman Catholic bishops, and their own repeated evidence that any Bull printed under their sanction is in force in a country, de-

monstrates the publication and enforcement of the *Bulla Cœnæ Domini* from the date of their Synod in 1808; for we find it printed in the 6th Vol. of Dens, p. 298, and referred to through the whole treatise on Reserved Cases, as being the great standard authority in all the Canon Law of Rome on that subject; and to estimate in any degree the power of the Church of Rome, and more especially of the Pope over the consciences of Roman Catholics, it is necessary to explain the meaning of RESERVED CASES.

The overwhelming authority of the Church of Rome is derived from the belief that her priests have power to pardon sin. It is the persuasion of this, that keeps the minds of those who believe it, necessarily in subjection to the men whom they consider as the arbiters of their eternal destiny.

But the absolute sway which this doctrine gives over the hearts and consciences of Roman Catholics, is both increased and kept in constant exercise from the fact, that in all dioceses there are certain sins said to be of that degree of magnitude, that an ordinary priest cannot forgive them. The criminal must go to the bishop for pardon; his CASE IS RESERVED to him; he must remain unforgiven, and without the sacraments of his Church, until he gets absolution from the bishop; and no priest can deliver him, unless, in the very article of death, when in dying his parish-priest may grant him absolution.

This evidently gives the bishop such a direct and immediate power over the consciences of all persons in his diocese, that the fear of committing those sins which he alone can pardon, must be a most potent engine to work the conscience of a Roman Catholic in any way the bishop pleases.

But the lever can be lengthened still, with a proportionate increase of power that is incredible to those who

are not acquainted with the operations of the machine. There are certain sins which are beyond the bishop's power to pardon, and which are reserved to the Pope himself. These sins, whatever they be, bring the conscience of the unhappy culprit into the immediate grasp of the gigantic power of Rome; and perhaps it is impossible to imagine a greater degree of fear and apprehension in the mind of a man, than in that of one who is told by his priest that he has committed a crime which neither the priest himself, nor even the bishop, can pardon; but that his case is reserved by the Canon Law of his Church to the Pope himself for absolution.

Now it is evident that to a sincere and conscientious Roman Catholic, who really believes that "God has left his Church power to forgive sins," and that the pardon of his sins must be conveyed to him through the priesthood, and who learns that he has fallen into a sin which can only be forgiven by the Pope, such a conviction brings him under the direct and immediate control of the Pope; so that while he sits in his palace at Rome he has as direct and immediate control over the conscience of a Roman Catholic in any part of England, as if that man were living under the very walls of the Vatican. Hence it comes to pass, that when a Canon Law is published in a country reserving certain cases to the Pope, that law places the Roman Catholic population of that country under an authority more stringent, more tyrannical, and more efficient, than all the laws of any civil government. For, under the exercise of a power that seems, to an ignorant observer, merely spiritual, the most mighty engine of temporal sovereignty can be worked in any country. Hence it is that the Roman Catholic states of Europe will not permit Papal Bulls to be introduced into their territories till they are examined, and receive the *Exæquatur* of the government.

It is asked in Dens, Tom. vi. p. 262 :

“Q. What is understood by Reserved Cases?

“A. Certain sins are understood, of which the superior reserves the sacramental absolution to himself.”

We then find, in the next page,

“The end of reserving a sin is, that the people may apprehend the enormity of the sin, and that the offences of greater magnitude may be committed to those who are of greater skill. Wherefore the parish-priest will sometimes, with utility, discreetly announce to the people in the congregation the more notorious reserved cases.”

And again, in the next Number, “On the conditions of a sin that is reserved,” there are three conditions :

“1st. That the sin should be mortal ; therefore sins which for any cause are only venial, are not considered practically as reserved.

“2nd. That it should be a mortal sin, external and internal, namely, so that it be mortal according to an external act, and also according to an internal act.

“3rd. That it should be consummated in its kind, unless it be otherwise expressed.”

From this it appears, that Papal Bulls which reserve cases to the Pope, represent to the people all the sins so reserved as mortal sins. And therefore, when these Bulls, or Canon Laws, or whatever they be, are put into force by their bishops, and when the priests are trained, as we have seen, to “direct the consciences of the people” by these laws, and thus to promulgate them among them, it is utterly impossible to conceive an organization more complete for carrying out a system of temporal government, under spiritual pretexts, and of using all the power and influences of religion over the human breast to subjugate it to a despotism that can wield it at its will for any political purpose.

The people are taught, by the authority of their Pope

and Bishops, that is, by the authority of the Church, which they believe infallible, that certain acts are mortal sins—sins so enormous that they must be reserved to the Pope for pardon, and therefore they must avoid those sins—that is, whatever the Pope forbids they must avoid. Whatever the Pope commands they must do, under the conscientious terror of being guilty of mortal sin. If they refuse to obey, they cannot receive absolution, but must live under the ban of their Church till they are in the very article of death.

We now proceed to consider how this engine of such mighty power is applied by the *Bulla Cænæ Domini*, and certain others in this Compendium of Canon Law.

The *Bulla Cænæ*, which is cited in this Compendium repeatedly, is printed, as we have seen, in Dens, Vol. vi. p. 298; and in the page preceding we find this question:

“Q. What, and how many cases, are reserved to the Chief Pontiff?

“A. They are very many (*plurimi*), which are contained partly in the *Bulla Cænæ Domini*, partly in the written law or the volume *Juris Canonici*; the rest are found in the Bulls and Decretals of the Pope, by which, in the succession of time, the number of them is increased.”

The next page gives a brief sketch of the denunciations of the *Bulla Cænæ* and the reserved cases, which it is not necessary to enumerate; we only mention some. Excommunication, reserved to the Pope, is denounced against

“Heretics and apostates from the faith, and those who believe, favour, or receive them.

“Also, those who knowingly read or retain heretical books containing heresy or treating of religion.

“Also schismatics.

“Also against those who hinder the execution of Apostolic Letters, or appeal from them to lay powers.

“Against those who take away causes relating to benefices from Ecclesiastical judges.

"Against those who injure Ecclesiastical liberty.

"Against those who impede Ecclesiastical jurisdiction.

"Against those who usurp Ecclesiastical fruits or revenues.

"Against those who impose contributions or other burthens on Ecclesiastical persons, churches, or monasteries, without the license of the Pope.

"Against secular judges who proceed against Ecclesiastics in criminal causes without license."

It would be difficult to frame a law that more fully places the Papal Church in opposition to the civil authorities of any country, and, above all, of a Protestant country; and it is not wonderful that statesmen should affirm that a country under such a papal law is a great difficulty in government. Nor is it singular that all the states of Europe should have denounced this Bull, and annexed the severest penalties to its publication in their territories.

Dr Doyle admitted, in his evidence before the Committee of the House of Lords, that, "*if that were in force, there is scarcely anything would be at rest amongst the Catholic states of Europe.*"

Dr M'Hale said, that "*The collision that would be supposed to result from the reception of that Bull with the established authorities of the country, this is an insurmountable objection*" (to its publication).

When we look at the Report above cited of the Committee of the House of Commons, of which we have extracts in these Documents, No. 17, we find here, pp. 289, 290, a quotation from the Appendix to that Report, p. 235. It is an extract from a letter of the Marquis Frozziani to the king of Naples, giving reasons to his Majesty for refusing to sanction the *Bulla Cœnæ Domini* in his dominions. He says:

"It is a Bull which from its origin has been abhorred and

execrated in this kingdom, and which has been rejected and expelled from the dominions of all Catholic princes."

He adds:

"This is too well known; and I am ashamed of reminding your Majesty of the dissensions, disturbances, and sequestrations of the temporal revenues of prelates, and of the banishment of so many clergymen to which government were obliged to resort in order to oppose the publication of the said Bull—the punishments incurred by laymen accused of favouring its publication—the contentions which arose on that subject between the two powers from 1567 to many years after the rigorous orders of king Philip II. against the said Bull, and the constancy of the Government in refusing to admit it from that time till now. The said Bull deprived sovereigns of the right to acknowledge the Briefs, Bulls, Rescripts, and any other writings of Rome by means of their *Exæquatur*, and declared all those to be excommunicated who prevented the admission and promulgation of such writings. It also deprived sovereigns, under the penalty of excommunication, of the power of levying taxes and imposts, and of refusing to send remittances to Rome for victuals and other purposes. It excommunicated sovereigns who entered into any offensive and defensive alliance with Protestant princes, and offered other enormous insults not only to the sovereign authority of princes, but also to the rights of private persons," &c.

The testimony against this Bull from Sicily is stronger still.

The Report of the Royal Chamber of St Clara to the King of Sicily on this Bull is,

"That the *Bulla Cænæ Domini* had no other object than that of *entirely overthrowing the legitimate power of sovereigns*, since it declares all those excommunicated who in any manner shall favour heretics, whereby the Pope is indirectly made competent to excommunicate even Catholic princes, when necessity compels them to enter into alliances with reformed powers, or with infidels."

If this was the experience of Roman Catholic statesmen and Roman Catholic monarchs as to the power of this

Bull against them, even if they formed an alliance with Protestant princes, it is evidently not much calculated to promote the allegiance of Roman Catholic subjects to a Protestant sovereign.

In this Report from France, as cited (Appendix, p. 257) in Document No. 17, p. 297, we find as follows :

"The Bull in *Cœnâ Domini* is thus called, because it is published every year at Rome on Maunday Thursday, or the Thursday before Easter. The Ultramontane authors consider it of very ancient origin ; but it was only in the sixteenth century that it received its most obnoxious clauses, which was a *direct infraction of the temporal and civil rights of all sovereigns*. Hence this Bull has been equally resisted in Venice, in Germany, Spain, and other countries. Its chief purport is to keep up the extravagant immunities claimed by the Pope and Catholic Clergy. It was prohibited by the Parliament of Paris in 1536 and 1580, and by that of Bourdeaux in 1602. Again by the Parliament of Paris on the 18th September, 1641, and by that of Rousillon on the 22nd of March, 1763."

We find, in the same page, "An extract from the *Requisitoire* of M. Sequier," the Attorney-General, made to the French Parliament, with reference to this *Bulla Cœnæ Domini*, taken from the Appendix to the *Report*, pp. 270, 271.

"In the present day every one is aware to what an extent the pretensions of the Court of Rome are carried. It has at all times endeavoured to enforce them, and they are principally recorded in the different Bulls that have preceded or followed this Bull, which, on account of the day on which it is annually published at Rome, is styled in *Cœnâ Domini*. It is notorious, that, since Julius the Second that Bull has been augmented and enlarged according to times and circumstances, and according as it suited the Roman policy. In that Bull, which was issued by Pope Julius the Second, as well as in others of the same description, are contained the principles which it is intended to renew in the present day ; and to prevent any doubt respecting such intention, the letter in form of a brief distinctly refers to the

publication of the Bull *in Cœnâ Domini*, which takes place every year at Rome."

If this was the opinion of the Attorney-General of France, who must be supposed to possess the very best information on the subject, that the intentions of the Court of Rome were indubitable even from a distinct reference to this Bull in a certain brief, what doubt can remain respecting those intentions, when a volume of Papal Decretals is published by the authority of the bishops, in which references are repeatedly made to it; and when we have the very Bull itself, briefed in a code of Theology adopted by the whole body of the Roman Catholic bishops of Ireland, as the standard by which their priests are "to direct the consciences of the people?"

The description of this Bull by the Attorney-General, and the steps adopted by the Parliament of France, are important to notice. They are as follows, in Document No. 17, p. 298:

"Mr Attorney-General complained that it gave additional authority to the Bull *in Cœnâ Domini*, which had always excited dissatisfaction; that it prejudiced all sovereigns; that it altered the laws and ordinances of the kingdom; that it deprived the Crown of its privileges, its prerogatives, and its pre-eminence; that it abolished the liberty of the Gallican Church; and that, under pretence of preserving the rights of the Holy See, it invaded the King's power; and as it might be published without waiting for orders from the king, whereby his authority would be violated, he demanded that proper notice should be taken of it.

"The Court, by an arrêt of the 18th September of that year, prohibited the publication of this new Bull *under pain against those who should give it publicity of being declared rebels to the king, and guilty of high treason.*"

Again, in the Report from Spain, Appendix, pp. 329—337, as cited in Document No. 17, p. 301—2:

"In the Royal Regulation or Edict of the Lords of the

Council of the Spanish Monarch, dated March 16, 1768, we have this statement, p. 334 :

“For this reason the princes have resisted and prohibited the use of the censures in *Cœnâ Domini*, the monitory on which has not been admitted in Spain, but protested against by king Charles the First; and his son, Don Philip the Second, not only opposed it by a special representation through the grand dignitary of Leon, Don Luis de Requesens, to his Holiness Pius V., and the Marquis de las Navas to Gregory XIII., but he also prohibited its publication and observance under severe penalties, in spite of the efforts of the Papal Nuncio to publish the same, and to destroy the Royal prerogatives. The Cortes also protested against this attempt of the Court of Rome in the year 1593, as appears from the Law 80, Tit. V. Lib. 2. Our writers, especially Don Juan Luis Lopez, and Don Joseph de Ledesma, have, in particular treatises, preserved a great number of examples in which the abuse of quoting or wishing to execute the pretended censures in *Cœnâ Domini* has been repelled, and the tribunal of Navarre resisted it in the reign of Charles the Second. The same was decreed, with the advice of his Council, by Philip V., in a similar controversy of Pampeluna and Heusca, declaring the Pontifical letters resisted, and not admitted in the kingdom; and his present Majesty has declared the same by the advice of his Council of Finances against the Grand Vicar of Malaga, in the case of the town of Alfarnate.”

There are many other extracts which might be given from this important Report, to shew the opinions and edicts of all the states of Europe against this and similar Papal Bulls; but the following fact concerning this Bull is of too great moment to be omitted. Sir John Cox Hippley, on whose motion the Committee which made this Report was granted, gives in the Appendix, page 341, a note which he received from Cardinal Erskine respecting the *Bulla Cœnæ*, dated August, 1793, in which he says :

“This Bull, although the formality of its publication is now omitted, is nevertheless implicitly in vigour in all its extension, and is likewise observed in all cases where there is

no impediment to the exertion of the Pope's authority ; therefore it must be legally looked upon as a public declaration to preserve his rights." (No. 17, p. 304).

If this be true, and it cannot be doubted, for this Cardinal then filled the office of *Promotore della Fide* at Rome, and was afterwards appointed Auditor of the Pope ; it appears that this Bull must necessarily be in force and operation in this empire, and in every place where the power of the Church of Rome is not restricted ; and that whatever the terms may mean as applied to other bodies who bear the name of Christian—the power of carrying out her Canon Law, is what Rome means by the enjoyment of "civil and religious liberty."

That this Bull was in force in Ireland, at and before the time when Sir John Cox Hipplesey was moving for this Committee of the House of Commons, is clear ; as it was evidently in force from the moment that Dens's Theology was published under the sanction of the Roman Catholic bishops in that country, being printed in that book. It is perfectly plain that it gives to the Pope direct and absolute sway over all Roman Catholics who believe in the power of forgiving sins by the authority of the Church. For we learn from Dens, Tom. vi. p. 270, that

"The Pope decrees the reserved cases for the whole Church." That is, the Pope determines who those persons are and what those offences are that can receive no forgiveness except at his own hands. No human laws can impose such a sanction on the mind of man, for enforcing obedience to temporal power, as this. Even this single Bull where it is in force, constitutes the Pope the direct autocrat, the immediate despot of every sincere Roman Catholic in the world.

The importance of this Bull therefore renders it necessary to dwell on it the longer, not only from its

having been so long in force in Ireland, but from the fact that it is continually referred to as in force in the volume of Canon Law published in that country in 1832.

In the questions of the Priests' Conferences in the Province of Leinster, for the month of July in that year, in reply to the question,

"What are the penalties decreed against those infected with that stain?"

the first on the list of penalties in Dens is as follows :

"External heresy has annexed to it the sentence of the Major Excommunication RESERVED TO THE POPE: see the *Treatise on Reserved Cases*, No. 219, and those which follow."

Now this treatise is the *BULLA CŒNÆ DOMINI*, and this is the Canon Law which responds first to the word *Lata* in the Question of Dr Murray's Conferences in this standard.

We have now to examine whether any and what other laws are contained in this volume enforcing the temporal power of the Roman Pontiff.

And here one Law is presented to us which leaves no doubt as to its object (Dens, Tom. viii. p. 74). It is headed :

THE EXECUTION OF THE PROVISIONS OF THE COURT OF ROME.

It is briefed as follows :

"In the Bull *Pastoralis Regiminis*, Tom. i. n. 47, laymen hindering the execution of the mandates, citations, and other provisions of the Court of Rome, are smitten with excommunication reserved to the Roman Pontiff, as also they who afford aid, counsel, or favour, to those who hinder matters of this sort. But Regulars and Ecclesiastical persons incur suspension *ipso facto*, as well from the exercise of their orders as of their offices ; both which censures are reserved to the Roman Pontiff ; but notaries or scribes refusing to make public instruments of

provisions and executions of this sort at the instance of the party are deprived of their office of notary, and are declared infamous."

Here there can be no question on the subject. It is impossible that any instrument could be framed to bring a whole population more directly under the temporal power of the Pope. The Bull is evidently not one of a spiritual nature, it does not even affect to be so. It is the political power—the "Court of Rome is a political expression," as we learn from the evidence of Dr M^cHale, (No. 17, p. 45), and here the whole body of ecclesiastics, bishops, priests, and monks, seculars and regulars, are at once suspended from their orders and offices, and reserved to the Pope—and the whole body of laymen are smitten with excommunication reserved to the Pope, if they offer the least obstruction to the mandates and provisions of the Court of Rome, or if they afford any counsel or aid or favour to those who do so. Let us just consider in one single practical point how this Bull must tell upon this nation. Let us suppose in the case at this moment pending, a Bull is issued by the Pope affecting the rights and prerogatives of our Sovereign and the whole Empire. Her Majesty's Government bring in a bill to oppose it. But if a single Roman Catholic member in either House of Parliament, whatever his own opinion be, shall dare to oppose it, or to favour or aid the opposition of the Government, he is smitten with excommunication, and reserved to the Pope—so that, unless he is really an unbeliever in the power of the Church to forgive his sins, and in a temporal position to despise her threats, as a noble lord, a Roman Catholic, has well remarked, he must choose between his duty to the Pope and to his Sovereign. Such a Bull as this therefore enables the Pope directly to wield the whole body of Roman Catholic members of either House

of Parliament who submit to his authority against the rights of our Sovereign, and the dearest interests of our country. This can scarcely be called an indirect temporal power. It is immediate and direct government, if every place represented by a Roman Catholic is a Papal borough, and eternal salvation the price at which its vote is to be commanded by the priests who are trained and commissioned to carry out the laws of their Sovereign Pontiff.

It is unnecessary to cite more at large from this Bull. Those who have published this volume of Canon Law have briefed those principles of it which they consider the most important, and they speak for themselves. But there is one section of it which shews the extent and stringency of its obligations; as we find it quoted, No. 17, p. 190 :

Sect. 5. "Besides, we ordain and define that all and every the governors, rulers, presidents of any places, territories, and cities of a state *not only immediately, but even mediately subject in temporals to the Apostolic See*, and moreover, all prefects and presidents of provinces of the same state, though supported by any privileges or faculties whatsoever, even of Legates *à latere*, and moreover that the Prolegate of Avignon, and even the Cardinals of the Holy Roman Church, even our own Legates *à latere*, and their ministers and officials, ought to be comprehended and considered as comprehended in this same decree."

It appears from this that every papal power and officer, from the Cardinal to the Curate in any state, must, under this Bull, render implicit obedience to the Roman Pontiff's commands, whatever they be, under pain of the penalties of this Bull.

CANON LAW ON THE RESTITUTION OF FORFEITED PROPERTY.

The next application of this Code of Canon Law to the assertion and maintenance of the power of the Pope, on which it seems necessary to report, is the Law of Restitution of forfeited Property,—as found in this so-called

Supplement to Dens, p. 176, under the head **RESTITUTION**. The Bull is briefed thus :

“ Real property taken by an enemy, suppose pirates, infidels, heretics, &c. in an unjust war, if it be bought by the faithful, ought to be restored to its rightful owner, without any price being exacted from him ; which was formerly decreed by the Congregation for propagating the Faith in the year 1630, whose opinion Benedict XIV. admits in his Epistle to P. Nicolaus Lercari, secretary of the same congregation. *Bullarium*, Vol. III. No. 57. But as to chattel-property, the same congregation gave it as its opinion that it was to be restored by the purchasers to its lawful owner, exacting, however, from him the price at which it was purchased. In this, however, Benedict XIV. does not here pronounce his judgment.” No. 17, pp. 82—83.

The arguments through the whole of this Bull furnish a sufficient comment on the nature and object of it. We shall only cite a few specimens.

The Pope who writes this Decretal or Rescript quotes a canonical writer, Arsnekinus, and mentions that he proposes this question (No. 17, pp. 89—90) :

“ Whether Catholics can buy the goods of other Catholics seized on by heretics in an unjust war ? ”

This writer answers that it can be done on three grounds :

“ 1st, If the will of the owners consent to it.

“ 2nd, If the Pope gives his assent, to support which he cites the afore-mentioned decree, published in 1630.

“ 3rd, If treaties being concluded between Catholics and heretical princes, it should be provided that heretics may retain the properties of Catholics, and freely dispose of them.

“ But,” saith the Pope who issued this Decretal, “ these reasons set forth by this author, and just now referred to by us, are of little or no force ; for when the faithful buy estates formerly belonging to Catholics, and taken from them by heretics in an unjust war, the will of their original possessors (of which he spoke above) cannot be presumed to acquiesce.”

Thus the first ground is taken away.

“ But the decrees published in the year 1630, which treat of chattel-property, cannot be applied to real property.”

Therefore the Pope's assent cannot be quoted as authority.

“ Finally, conventions and treaties entered into between lay Catholic princes and the heterodox or heretics, as to the possession and detention of property of the Church, are disallowed by the Apostolic See.”

Hence they cannot induce any obligation on the conscience, and this is a case in which evidently “ no faith is to be kept with heretics;” and hence it is clear, that any treaties into which Roman Catholics could enter in this empire for the security of any property that ever belonged to the Church of Rome, could never be considered valid or binding on the consciences of men who are bound, on religious principles, to reserve the right of their superiors in their oaths, and who believe the Pope to be infallible: and the publication of this Papal Law in this empire necessarily creates and establishes the principle, that all our acts of settlement of property that was ever in the possession of members of the Church of Rome, are worthless, because they are disallowed by the Pope.

The publication of this Canon Law, in the year 1832, in Ireland, may perhaps account for the fact that the oaths taken by certain members of parliament neither to “weaken or disturb the Protestant Church,” appear to have had little obligation. It is plain that the disallowance of the Apostolic See under this law must, according to the principles of the Church of Rome, have either prevented any obligation being induced by the oath, or totally relaxed it if it were. Dugdale's *Monasticon* affords a field for the exercise of all the powers of the Church

of Rome as applied to the property of the Church in England, under the *sanction of this Canon Law*.

CANON LAW FOR THE PARDON OF ALL SORTS OF CRIMES.

The next Canon Law from this code in this Supplement to Dens, for the assertion of Papal power, appears to be quite comensurate with the *Bulla Cœnæ*, and *Pastoralis Regiminis*.

It is but necessary for the full maintenance of the authority of the Pope, that the power of punishing should be enhanced by the power of pardoning, and that he should be able to exercise equally by his Canon Laws the right of binding and loosing, which he claims as the prerogative of his office. This Papal Bull is entitled *Pastor Bonus*, and contains a power of dispensation committed by the Pope to one of his officers, called the Major Pœnitentiarius, which goes to the full extent of remitting all sorts of sins—with certain exceptions reserved to the Pope himself. We have extracts from the Bull, as briefed in this volume of Canon Law, with translations, in No. 17, pp. 202—204.

HERETICS.

“Occult heretics can be absolved by the Major Pœnitentiarius, or by his command in *foro conscientiæ*, but those heretics are occult, who, although they have manifested their heresy by outward acts, yet no person has seen them. So it is in the Bull *Pastor Bonus*.” *Bullarium*, Vol. I. No. 95. Sec. 9.

“Also the Major Pœnitentiarius in *foro conscientiæ* can absolve public heretics or apostates from the faith, when it is not necessary to denounce their accomplices, namely, they being dead, or living in places openly infected” (with heresy), “but not if they live where the office of the Inquisition is in force.” *Ibidem*.

“Princes, or those who preside over a state under the title of a Vicar (or Lieutenant), states, and republics, and their

rulers, or those who are wont to have the administration of them, Bishops and superior prelates in public cases contained in the *Bulla Cœnæ*, can by no means be absolved by him." *Ibid.* Sec. 11.

"Finally, neither can he grant absolution in public cases of violated immunity, or ecclesiastical liberty, even though not brought to trial." Sec. 14. Dens, Tom. VIII. p. 82.

Again, under the head

HOMICIDE.

"The Major Pœnitentiarius can grant dispensations to homicides and outlaws, even in the case of wilful murder; so that they can even as clerics enter an approved religious order, adding however some little clauses of which the Pope speaks in his Bull *Pastor bonus*." *Bullarium*, Vol. I. No. 95. Sec. 17. *Ibid.* p. 84.

It is evident from this that the Pope requires some facility of disposing of the cases reserved to himself in the *Bulla Cœnæ*, and that as the difficulty of administering the absolutions from the censures in that Bull, would involve him in overwhelming occupations, he has by this Bull this officer appointed to relieve him, who it appears can also delegate his power to others. Hence, while the terror of committing a sin reserved to the Pope can be held over the conscience to maintain his authority by the other Bulls, this Bull enables him to dispense his pardons without the absolute necessity of having his criminals cited to Rome.

The authority reserved over kings and rulers in the Church and the State preserves the prerogatives of the Pope himself over all those whom it is important to impress with a sense of his direct authority, and who ought to feel his exalted power, while the facilities of pardoning minor criminals preserves his authority, without trenching on his convenience.

It is a very singular fact, that this Canon Law should

provide not only for granting dispensations to wilful murderers, but even for receiving them "into a religious order;" so that criminals, who by the universal law of nations and by the law of God are justly punishable with death, should not only be pardoned, but cherished by the Church of Rome, and placed in the order of her monks by this Canon Law set up in Ireland.

It may well be asked how any known laws of civil government can rule in any land where such a law as this is in operation, most especially where the government is a Protestant government, and the subjects are Roman Catholics? The people are to have their consciences drilled by their priests to believe that their sovereign, their viceroys, their rulers, their bishops, are rebels against the Pope, and must bow at his feet to receive pardon of their heresy; while they, though outlaws, nay, though they are wilful murderers, can not only be pardoned by officers delegated by the Pope, but be received into religious orders, and become regular priests within her bosom.

There are several sections of this Bull translated in No. 17: we select one, Sec. 6, p. 208:

"We grant therefore to our Major Pœnitentiarius for the time being, that he shall have power and authority to absolve and command to be absolved, all and each of every quality, dignity, and degree, the ecclesiastical seculars, and regulars, of every order, congregation, society, and institute; also all lay persons, of both sexes, as well present as absent, from all and every sort of faults, crimes, and excesses, howsoever weighty and atrocious, (*culpis criminibus et excessibus quantumcunque gravibus et atrocibus*), as well public as private, whensoever and howsoever committed and perpetrated; also from all censures and ecclesiastical punishments decreed on account of the aforesaid crimes, and incurred by them, even in cases reserved not only to the ordinaries and superiors of the regulars, but even specially to ourselves and to the Holy See, and even by the letters which are yearly promulgated on the day of the Supper

of our Lord, (that is, the *Bulla Cœnæ Domini*), having enjoined always for the same, according to the nature of the fault, some salutary penance and other things, which are to be enjoined by law," &c.

This authority, delegated by the Pope to this officer, his Major Pœnitentiarius, and to be delegated by him to others as he may think fit, seems to confer on the Pope, in conjunction with his other laws, absolute temporal dominion over the consciences of men; for if he can make disobedience to his own commands a subject of terror to the conscience, by annexing to it the sentence of excommunication, reserved to himself as by the *Bulla Cœnæ*, and the Bull *Pastoralis Regiminis*; and if he can grant pardon either for this or for "all other crimes, how atrocious soever they be, whether public or private," so as to deliver the consciences of men from fear or compunction for committing them; if he can so press the power of his own laws above all others on the conscience as to make men tremble to infringe them, and can remove the penalties for the violation of all other laws, as far as conscience is concerned, by forgiving them;—it seems that nothing can be added, and nothing can be wanting to establish his absolute sway over the conscience of every human being who acknowledges his power, and submits to his authority; and when we recollect, as we have seen, that this code of Canon Law has been added as an authoritative and infallible supplement to a system of theology in which the priests are trained to "*direct the consciences of the people*," it is easy to understand with what a strong and efficient organization the temporal commands of the Pope can be enforced by his Canon Law when permitted to exist in any country.

THE BULL UNIGENITUS.

The next Canon Law to be noted is the Bull Unigenitus.

This was admitted by Dr Murray to be in force in Ireland, when, being asked in his evidence before the Committee of the House of Commons, (*Report*, p. 647, Documents No. 17, p. 215) whether this Bull was received in Ireland? he replied, it was.

The stringency with which subjection to this Bull is enforced, is proved by the Bull of Benedict XIV., "*Ex omnibus Christiani orbis*," from which an extract is given in the Supplement to Dens (p. 55), forbidding the last rites of the Church to be administered to any who publicly oppose the Bull Unigenitus. It is also laid down in Dens, Tom. vi. p. 309, that "they are subjected to the excommunication reserved in the *Bulla Cœnæ*."

The Bull itself is published at length in this Supplement of Canon Law, pp. 207—220. It denounces 101 propositions, extracted from a work of Quenelle, among which are some of the plainest principles of Scriptural truth, and the most inalienable rights of civil and religious liberty; for example,

Prop. 80. "The reading of the Holy Scriptures is for all. Acts viii. 28."

Prop. 81. "The obscurity of the Holy Word of God is no reason why laymen should excuse themselves from reading it. Acts viii. 31."

Prop. 82. "The Lord's Day ought to be kept holy by Christians; in reading works of piety, and, above all, of the Holy Scriptures. It is injurious to wish to withdraw a Christian from this reading. Acts xv. 21."

Prop. 83. "It is an illusion to persuade one's self that a knowledge of the mysteries of religion is not to be communicated to females by the reading of the Holy Scriptures. It is not from the simplicity of females, but from the proud science

of men, that abuse of the Scriptures has arisen, and heresies have been produced. John iv. 26."

Prop. 84. "To take the New Testament out of the hands of Christians, or to shut it up from them by taking from them the means of understanding it, is to close the mouth of Christ to them. Matt. v. 2."

Prop. 85. "To interdict Christians the reading of the Holy Scripture, especially of the Gospel, is to interdict the use of light to the children of light, and to cause them to suffer a certain sort of excommunication. Luke xi. 33."

Prop. 86. "To take away from the simple people this solace of joining their voice to the voice of the whole Church, is a custom contrary to the practice of the Apostles, and to the intention of God. 1 Cor. xiv. 16."

* * * * *

Prop. 91. "The fear of an unjust excommunication should never hinder us from fulfilling our duty. We never leave the Church, even when by the wickedness of men we seem expelled from it, when we are united to God, to Jesus Christ, and to the Church itself, by charity. John ix. 22, 23."

Prop. 92. "Rather to suffer excommunication quietly, and an unjust anathema, than to betray the truth, is to imitate Saint Paul; so far is it from setting up one's self against authority, or breaking unity. Rom. ix. 3."

The denunciation of these propositions, and all the others, stamps them as "seditious, impious, blasphemous, suspected of heresy, and savouring of heresy itself, also favouring heretics, heresy, and schism," &c. And the following decree is pronounced by this Bull:

"Commanding therefore all the faithful in Christ of either sex that they shall not presume to think, teach, or preach of the aforesaid propositions, otherwise than is contained in this our Constitution, so that whosoever shall have taught, defended, published them, or any of them jointly or severally, or shall have treated of them even in disputations publicly or privately, unless perhaps by impugning them, let him be subject, *ipso facto*, and without any other declaration, to the ecclesiastical censures and

other punishments ordained by law against those who perpetrate similar offences."

The enforcement of these penalties is committed to the ecclesiastical authorities of the country, thus :

"Moreover, we command our venerable brothers the patriarchs, archbishops, and bishops, and other ordinaries of places, also the inquisitors of heretical pravity, that they shall by all means coerce and compel all opposers and rebels whomsoever, by the aforesaid censures and punishments, and other remedies of the law and fact, invoking also for this, if need be, the aid of the secular arm."

The acknowledgment of Dr Murray, that this Bull has been in force in Ireland, although its provisions cannot be carried out against Protestants, points out the law by which scriptural education is obstructed, and evinces the spirit that must be cultivated, and the influences produced, both against the Scriptures and against Protestants, on the minds of those who are necessarily under the direct authority that enacts and can enforce the spiritual censures denounced in this Bull.

THE THIRD CANON OF THE FOURTH LATERAN COUNCIL.

The next Canon Law we shall quote from this Supplement to Dens's Theology, is the celebrated canon which we have shewn to be cited by Cabassutius in his Canon Law, the Class-Book of Maynooth, as being in force. There cannot be the least mistake in the principles which it is quoted to maintain in this compendium of Canon Law, published and put into force in Ireland in 1832. Under the head of "HERETICS," page 82, we find the duties of bishops set forth in the following words :

"The bishop is bound (*tenetur*) even in places where the office of the holy Inquisition is in force, *sedulously to take care that he may purge the diocese entrusted to him from heretics*, and if he shall find any, *he ought to punish him with the cano-*

nical punishments. Nevertheless he ought to take care that he does not hinder the inquisitors of the faith from discharging their duty. But the bishop not less than the inquisitor, can reconcile the heretic when brought before his tribunal to the Church, and can absolve him for either forum. Moreover also they can send the heretic, after he shall have abjured his errors, to a simple confessor for absolution, which absolution being then granted by the confessor in the sacramental forum, is equally availing for the external forum. Thus (Benedict XIV.) in his treatise of the Diocesan Synod, Lib. VII. c. 32, n. 3, t. 2, p. 329, new edition." Supplement to Dens, p. 82.

On referring to the authority of Benedict, here cited, we find the extract which is thus adduced as the Canon Law in Document No. 17, p. 137 :

"Among the principal cares of the pastoral office is this—diligently to watch lest any error contrary to the orthodox doctrine should creep into his diocese, which the apostle clearly expresses in 1st Tim. chap. iii., and Titus, chap. i. Hence no one doubts but that it most especially belongs to the bishop to make inquiry against heretics ; and against those whom he shall find obstinately persisting in their errors, to put in force severely the canonical punishments. This obligation of bishops the author of the epistle to the bishops in France and Spain acknowledged and inculcated, which Isidorus wrote to Pope Lucius, thus addressing the bishops: 'Therefore, brethren, I exhort, beseech, and admonish your love, that with as much anxiety as ye ought and are able, ye watch to discover heretics and enemies of the Holy Church ; and lest this pest should spread farther among minds untainted, that ye extirpate it according to your power with what severity ye can, Tom. i. Collect. Hardwin, Col. 140. Moreover, although this testimony of Lucius is believed to be spurious, certainly the decree of the Council of Rheims is not spurious, of the year 625 or 630, which in Can. 4, Tom. III. Collect. Hardwin, Col. 572, commanded that heretics be diligently sought out by the pastors of the churches, and brought back according to their power to the Catholic faith. *And that we may not uselessly waste our time in illustrating a subject undoubted among all, it will be abun-*

dantly sufficient to allege one sanction of Innocent III. in the fourth General Council of Lateran, an. 1215, in which, Can. 3, de Hæreticis, bishops are ordered either by themselves or their archdeacons to go through their diocese every year, and sedulously to trace out whether any one infected with heretical contagion lies concealed in it. But it is there also decreed, that those who are slothful and negligent in purging the diocese entrusted to them from the heretical pestilence shall be deposed from their rank as guilty of a weighty crime, and unworthy of the pastoral office. Tom. VII. Collect. Harduini, Col. 22."

This law of episcopal duty is then rendered of infallible obligation by the extract from the 3rd Canon of the 4th Lateran Council as follows :

" We will therefore, and command, and in virtue of obedience strictly enjoin, that for the diligently efficacious performance of these things, the bishops shall watch throughout their dioceses, if they wish to escape canonical vengeance. For if any bishop shall have been negligent or remiss in purging his diocese from the leaven of heretical pravity, when this shall be made to appear by certain proofs, he shall both be deposed from his Episcopal office, and another shall be substituted in his place, who shall be both willing and able to confound heretical pravity."

Here ends in this Document the extract from this 3rd Canon. Benedict XIV. proceeds :

" Nor by this fact, that the tribunal of the Inquisition had been instituted by the Apostolic See, the commencement of which is referred by Ludovicus à Paramo, on the Origin of the Sacred Inquisition, Lib. II. Tit. i. Cap. 2, to the commencement of the thirteenth century, subsequent however to the close of the 4th Lateran Council, in which certainly no mention occurs of Inquisitors being delegated by the Apostolic See ; nor by this, I say, was any onus withdrawn from bishops, nor any power taken away from them of making inquisition against heretics, as Boniface VIII. eloquently declares in chap. 17, *de Hæreticis in Sex.* ' We do not will by this, that the business of heretical pravity is delegated generally in any province, state, or diocese, to any person or persons by the Apostolic See, to derogate

from the diocesan bishops, but that they also themselves may be able by their ordinary authority, or delegated (if they possess it), to proceed in the same; but they can and ought, just as before, to devote all their diligence that they may expel the same pest each one from his own diocese, and only to take care that they should not hinder the Inquisitors of the faith delegated by the Apostolic See, where they are appointed, from discharging their duty, but with equal zeal and concord of spirit they ought to labour in this so salutary work, according to the mode prescribed in this same chapter, *Per hoc*, (that is the Chapter of Boniface VIII. above cited), and in the Clementine I. of the same title, and in the Extravagantes of Ben. XI. Cap. 1, *de Hæreticis*. But now the inquisitor as well as the bishop can reconcile the penitent heretic to the Church, whether voluntarily appearing before him, or brought in any manner before his tribunal, and absolve him for either forum (*scil. in foro conscientiae et in foro judiciali*) from the censure into which he had fallen on account of heresy—(here several authors are cited on the subject). But also each of them can remit the penitent heretic, after he has abjured his errors, to a simple confessor, that he may be absolved by him; and the same Dal Bene (one of the authors cited before) well observes, that this absolution, though given by a confessor in the sacramental forum, avails also for the external forum, from whose jurisdiction it proceeds. Many authorities as to the ordinary power of bishops of making inquisition against heretics, and reconciling them to the Church, have been collected by Altessera."

Here several authorities are quoted. This Papal law is translated in Document No. 17, pp. 137—139, and the original given pp. 443—445.

This standard of episcopal duty, erected by the Bishops of the Church of Rome in Ireland, in 1832, appears to be founded on laws of such indubitable authority, and calls the whole body of bishops to rally around it, under sanctions so severe and stringent, that it would imply the charge of a criminal neglect of the most solemn obligations of their office, and a contempt of the laws of their

Church, to suppose they had failed in their best exertions to maintain the part assigned them. The nature of this duty requires no comment, and the citation of the Third Canon of the 4th Lateran Council, as the unquestionable Canon Law of their Church, under which they are bound to discharge it, must be considered under another head in this Report.

But the reference to Inquisitorial laws calls us to advert to others of these documents that bear on the subject of the Inquisition.

CANON LAWS FOR THE INQUISITION.

The command of Benedict XIV. for the mutual aid and co-operation of Bishops and Inquisitors in the persecution of heretics, is regulated by a Canon Law, quoted from the Corpus Juris Canonici. He says, as we have seen, that

"They ought, with equal zeal and unanimity, to devote themselves to such a salutary work (the extirpation of heretics), according to the mode prescribed in Clementina, Cap. 1, de Hæreticis." This Law is a Constitution of Clement V., in the Council of Vienne, A.D. 1311, which is one of the eighteen General Councils denominated infallible by the Church of Rome. The canon is found in the Corpus Juris Canonici, Clementin. Lib. v. Tit. iii. C. 1, *de Hæret.* The translation is given Document No. 17, pp. 143—146, and the original in pp. 449—451.

It is not necessary to copy the whole, but it ordains,

"That the searching out of this plague may be more solemnly, diligently, and cautiously executed, we decree that the same may be exercised by the Diocesan Bishops, as well as by the Inquisitors deputed by the Apostolic See."

They are empowered

"To arrest and commit them (heretics) to safe custody, even by placing them in iron fetters, or handcuffs, if it seem to

them fit to be done, which we lay as a duty on their conscience.

"But to deliver them into hard bondage or close confinement, which appertains rather to punishment than to safe custody, or to expose them to tortures, or to proceed to sentence against them, the Bishop shall not be able, without the Inquisitor, nor the Inquisitor without the Bishop of the diocese," &c. No. 17, p. 144.

The Canon Law then proceeds to regulate the prisons to be kept by the Bishop and Inquisitor, who are to have each a trusty keeper; one chosen by the Bishop, and another by the Inquisitor: and these keepers are to have each a trusty servant under him, all sworn before the Bishop and Inquisitor to discharge their duty faithfully. The keepers are to have separate locks and keys for the cells where the heretics are confined, and to take diligent care that one shall never speak to a prisoner except in the presence of the other. No. 17, p. 145.

If Bishops or Inquisitors shall either fail to proceed against those who are heretics, or shall proceed unjustly against those who are not heretics, they shall incur severe penalties, the Bishop to be *ipso facto* suspended from his office, and Inquisitors to be excommunicated, and their case reserved for the Roman Pontiff. *Ib.* p. 146.

The laws of the Inquisition are further enforced in this code of Benedict, under the head of Local Immunity, or security from arrest in certain privileged places of refuge. From this code of Canon Law it appears that not even a church can afford security to heretics.

Under the head of

"IMMUNITAS LOCALIS" (Dens, Tom. viii. p. 86)

the following clause is found:

"Heretics, or those suspected of heresy, Jews who have lapsed into apostasy after baptism, can be dragged forth from

a church by the inquisitors; but either before or after the capture the bishop ought to be apprized of it. Encyclic. ad Inquisit. *Elapso proxime*, Bullarium, Tom. III. No. 40." Sup. to Dens, p. 88.

This Bull *Elapso proxime* is an Encyclical Letter of Benedict XIV. to the Inquisitors against heretical pravity, and it recites and confirms the principles of three Bulls of Gregory XIV., Benedict XIII., and Clement XII., of which the two latter are also cited in this Supplement to Dens, namely, that when a criminal whose crime was excepted from the security of a place of refuge should fly to one as a protection from arrest, "HE OUGHT TO BE DRAGGED FROM IT, IF PROOF SUFFICIENT FOR THE TORTURE COULD BE HAD."

That is, if the proof of his guilt was sufficient to convict him at once, then of course he was to be dragged forth, and punished according to his crime. But if not—if only sufficient proof could be adduced to justify putting him to the torture to make him confess all—then he should be dragged out to be put to the torture. This Encyclical, too long to transcribe into this Report, is printed in the original, No. 17 of these Documents, pp. 452—455, and translated, *ib.* pp. 153—156. But that there may be no mistake as to the principles which this Bull is intended to maintain, this clause as to the torture is extracted and printed in this Supplement to Dens, as follows :

"When the criminal has been dragged forth (*facta extractione*) the process is regulated according to the command of the bishop, IF PROOFS SUFFICIENT TO PUT HIM TO THE TORTURE CAN BE FOUND—(*si indicia ad torturam sufficientia reperiantur*) ; then the accused is to be consigned to the secular judge, binding him (the judge), nevertheless, under excommunication, *latæ sententiæ*, that if the accused shall have established his innocence, he may be restored to the Church."

In the immediate context of this clause it is applied to those guilty of murder or homicide; but the subsequent

application of it to heretics brings them in the same way within the scope of its authority.—It evidently implies that the secular and ecclesiastical power should be united in a country where such a law could be enforced; and it seems therefore difficult to conjecture the reason why such a law should be published by the Papal bishops within the realm of the United Empire at this day, and its existence almost challenges credibility as a canon law of the 19th century.

But there is a book among these Documents to which we have before adverted, that throws a gloomy light on the subject, and leads us to conclude that the code of laws now so plainly discovered and developed, has been the ruling power over the population of the Church of Rome in Ireland, long before the period at which their publication has been ascertained. This Book, No. 8 in these Documents, is entitled :

“A DEVELOPMENT OF THE CRUEL AND INQUISITORIAL SYSTEM OF THE COURT OF ROME IN IRELAND, AND OF ITS PARTICULAR OPERATIONS IN THE CASE OF THE AUTHOR, THE REV. L. MORRISSEY.” DUBLIN. 1821 and 1822.

This work of this Roman Catholic priest has been quoted before (Report, p. 7), to prove that Dens had been used as the Confession-Book in the diocese of Ossory in the year 1815, and that the same subjects of conference respecting heretics, were discussed at one of these Conferences in that year, as in the province of Leinster in the year 1832.

In this work the author gives a list of principles which he asserts to be maintained by all the Roman Catholic ecclesiastics in Ireland, from Bulls of Pope Innocent IV. A. D. 1242, Boniface VIII. A. D. 1294, Clement V. A. D. 1305, John XXII. A. D. 1410, Martin V. A. D. 1428, Paul IV. A. D. 1555, Pius IV. A. D. 1559, Sixtus V. A. D. 1587, Paul V.

A.D. 1605, Urban VIII. A.D. 1642, Alexander III. A.D. 1663, till he comes to Benedict XIV., whose code of Canon Law was established in Ireland in 1832, including constitutions of several of these pontiffs, all bearing out the same principles which we have seen developed in the Papal Canon Law as now taught at Maynooth and to all priests in Ireland, laws of intolerance, persecution, and extermination of heretics, confiscation of their property, right to absolve subjects from oaths of allegiance, and to depose heretical monarchs, &c. &c. Priest Morrissey testifies that he was present at the consecration of a Roman Catholic bishop, and heard him swear his oath containing the clause :

"I will persecute and fight against all heretics, schismatics, and rebels to our Lord the Pope and his successors."

And,

"I will receive the Apostolical or Papal Mandates, and will put them most diligently into execution."

These statements and references are found in this work of Morrissey's. Document No. 8, Part I. pp. 9—16, and 21, 22.

He asserts :

That in the diocese of Ossory, where he was parish priest, the priests "were bound to appear before his lordship (their bishop), and bind themselves *by a solemn oath* to become ministers of the Holy Inquisition as well as of the Holy Gospel." Part I. p. 52.

In Part II. p. 69, this remarkable sentence occurs, thus printed in *Italic* :

"Let Government grant the Catholic claims, and they will unsheath the inquisitorial sword, and unveil the rack and torture. Let the Government give them unqualified emancipation, and they will sap the very foundation of the British Constitution. Let our Government admit Roman Catholic Bishops into the imperial House of Parliament, and they will establish the Holy Inquisition in the British Empire."

This priest informs us of one of the Irish colleges, the name of which is not given, that

“One of the professors there wrote the course of Theology for the students anno 1815, which is read and taught in said college for the mission of Ireland. In this work is a treatise on the power and authority of the Roman Catholic Church, and in this treatise the Apostolic Constitutions and Decretals for destroying heretical monarchs, and for dispensing with and disengaging their subjects from their allegiance and liege fidelity, are laid down. The superiority of the Pope over kings and princes, and the divine right of the Church of Rome above all others, are explained,” &c.

He then quotes some of the passages which quite bear out his statement. Among the quotations is the following :

“In like manner will we, after our emancipation, reproach his majesty and his ministers publicly, as we now do privately, and tell them, that if they are not with us, they are not in the Church of Christ,—that they are rebels and disturbers of our Church, and therefore that it behoves us to put the laws of our Church in force against the heretics of these countries, once more become Roman Catholic countries.”—Part II. p. 249.

Again :

“When princes might prevent the good of religion and injure the salvation of the faithful, the Pope might interpose his authority, and give permission to depose these monarchs for their unjust laws and scandals, &c. The laws of all kings who do not approve of and sanction the holy laws of Rome are considered unjust, &c. ; and whereas every diocese constitutes a perfect society, the bishop in like manner has an indirect power over the property of every man in that society. The names of the kings and emperors who were dethroned by the Councils are inserted, and of those who were put on thrones by said Popes and Councils.” Part II. pp. 249—50.

This writer, at the concluding part of this book, which is very remarkable as coming from a conscientious Roman Catholic priest, who lived and died in the Communion of

the Church of Rome, makes these striking remarks on the facts and principles he has detailed :

“What more can I say to prove and convince that the Inquisitorial laws are still in existence in this country against the laws and properties of all Protestants denominated and condemned as heretics and anti-catholics ?

“Every law has some end or object in view, and whilst the law holds, the object must virtually hold; and whilst the object is in contemplation, the spirit which first moved the measure must necessarily be alive either virtually or actually, or both together, as it is the case at present in Ireland. This law I allude to is made by the head of the Church and his ecclesiastical government; they bind their subjects by oaths, &c., from the highest dignitary to the lowest in the Church, to support and execute the same; from the highest rank in the Catholic society to the most abject plebeian, viz. the Pope is bound to support said laws—and his cardinals by sacred ties are bound to both him and the Church—our bishops take a solemn oath at their consecration to the same effect already developed down to the present day—the dignitaries of our Irish Church, among the secular and regular ecclesiastical orders, are bound by their respective officers in the Church to act in like manner for the same purpose—the young clergy are taught this inquisitorial law in our seminaries, colleges, and diocesan conferences, and thus are prepared to instruct the laity throughout the land. In a word, what do we see but oaths and solemnities among ecclesiastical superiors and inferiors in our days—but oaths, rapine, plunder, &c. among the laity? If this cruel law and horrible system are antiquated and obsolete, why do superiors at present take these oaths, and bind others also to support said laws and execute said measures? Why do they teach clergy and laity this doctrine and these measures? Why are not the oaths obsolete as well as the system? I ask, are solemn oaths to be taken without any meaning or design? By no means, for it would be perjury to do so. Are we surprised that the laity are taking similar oaths for similar purposes? From whence do these oaths of the peasantry and people of superior rank proceed? What is the source? Do we not find some of them sworn by ecclesiastical superiors, for example, notaries apostolic?

"Alas, are not the misfortunes of Ireland in the present day conformable to the laws, oaths, and measures, I have disclosed, described, and laid before the public? Are they not the natural results emanating from the Inquisitorial system now developed? Are not the bitter invectives and public exclamations of clergy and laity, lawyers and sycophants, against the Government; the appointment of grand-juries to Roman Catholic chaplaincies, and the overtures for the establishment of a salutary veto, the natural effects of ecclesiastical bigotry, and ecclesiastical prejudice? Whoever does not believe the laws and facts I have stated, I am sure the same man would not believe a *miracle* from heaven. No! nothing can convince him but a mortal blow.

"Now as the Inquisitorial laws are general and unqualified, so must the Roman Catholic emancipation be general and unqualified in the end, viz. the Pope must have the nomination and appointment of Roman Catholic monarchs to these realms—Ireland must be tributary to him again. The bishops and clergy must be reinstated in their glebes and church-livings—the forfeited estates must be restored to their *right* owners—and the Established Church must be ROMAN CATHOLIC. All the heretics in the land must be exterminated, and their properties confiscated; and the nation must be purged from heresy and the remains of heresy. Then, and only then, will Roman Catholics consider themselves fully and unconditionally emancipated. This is what is understood by an unqualified Catholic emancipation." *Morriessy's Development*, Part II. pp. 251—253.

These extracts from this remarkable volume, which, as the book is not now to be obtained, it is important to give at some length, afford a lamentable commentary on the facts detailed in this Report, and on the Documents, the principles, and the laws, which are unanswerably brought home to the Roman Catholic bishops in Ireland—the doctrines in which they are pledged to instruct the students at Maynooth—the theology which they are proved to have selected and printed for the guidance of their priests in their Conferences "to direct the con-

sciences of the people"—the principles which they teach in their seminaries, and have diffused among the population in the shape of a Commentary on the Sacred Scriptures, given as the infallible interpretation of their Church—the Canon-law which they have all along adopted and applied as the authority of their Moral and Dogmatic Theology, and the code which they put into force as soon as political power had been conceded to them;—these facts afford a clear proof that the testimony of this Roman Catholic priest, as to the secret instructions and the objects and intentions of the hierarchy and priests of Rome, was but too well founded. And the care with which these Documents have been for so many years concealed, and the solemnity of assertions and of oaths with which the doctrines they contain have been repudiated by the very men who were secretly teaching and diffusing them, too plainly demonstrate the principles that compelled them to propagate, and the consciousness that induced them to conceal them.

These reflections bring us to the last and the most painful detail of this Report which these Documents present. It is important to mark the striking testimonies they afford as to the practical working of the principles of the Church of Rome in the men themselves who have instilled them into their Priests as those by which they are "to direct the consciences of the people."

CHAPTER VI.

THE PROFESSIONS AND OATHS OF THE ROMAN CATHOLIC BISHOPS, COMPARED WITH THE PRINCIPLES OF THEIR SECRET DOCUMENTS, THEIR COMMENTARIES, AND THEIR CANON-LAW.

IN the Book No. 17 in these Documents we find a number of extracts from the evidence of several Roman Catholic bishops and professors, given before the Committees of both Houses of Parliament, and before the Commissioners of Irish Education in the years 1824, 1825, and 1826.

The Book No. 11 is "AN ESSAY ON THE CATHOLIC CLAIMS, ADDRESSED TO THE RIGHT HON. THE EARL OF LIVERPOOL, BY THE RIGHT REV. JAMES DOYLE; TO WHICH IS ADDED, THE PASTORAL ADDRESS AND DECLARATION OF THE ROMAN CATHOLIC ARCHBISHOPS AND BISHOPS OF IRELAND." Dublin. Coyne, 1826.

To these Documents another is to be added, which we find in No. 17, p. 326, "THE PASTORAL ADDRESS OF THE ARCHBISHOPS AND BISHOPS WHOSE NAMES ARE UNDERSIGNED, TO THE CLERGY AND PEOPLE OF THE CATHOLIC CHURCH IN IRELAND." Dated Feb. 9, 1830¹.

Some extracts from these Documents, placed in contrast with some facts and references in this Report, will preclude the necessity of any remarks on the singular discrepancy between them.

Dr Doyle's "*Essay on the Catholic Claims*" is composed with great ability. It was written after the examination of that prelate and several of his brethren before the

¹ It is to be remarked that the Pastoral Address subjoined to Dr Doyle's *Essay* was published before the Emancipation Bill, namely, 1826. That found in No. 17 was published immediately after that Bill, viz. in 1830.

Committees of both Houses of Parliament, when he had a full opportunity of reviewing the course of examination adopted by those Committees, and of judging of those objections most prominently put forth by members of the legislature, against the political claims of Roman Catholics. It contains an elaborate attempt to obviate all the objections of Protestants to the religious and political principles of the Church of Rome.

The Pastoral Address and Declaration of the Roman Catholic Archbishops and Bishops of Ireland, subjoined to Dr Doyle's *Essay*, is conceived on a principle which is calculated more to lull the suspicions, and to silence the objections of Protestants, than any which could possibly be conceived. It is an address to the priests and the Roman Catholic population of Ireland. It contains the utter renunciation and abjuration of certain principles, which it was therefore impossible to conceive that the men who so renounced and abjured them, could really hold themselves; much less was it possible to imagine, that they could have been secretly instilling those principles into their priests, and training them to instil them into the minds of the people for years before, and at the very time, when they were thus most solemnly disclaiming them by a direct pastoral letter, presented and openly addressed to those priests and that people, and given with the solemnity of an oath. Nevertheless, the identity of the principles denied and abjured, both in the testimony of these prelates before Parliamentary Committees, in the *Essay* of Bishop Doyle, and in this Pastoral Address of the whole body of the hierarchy, with those which are now proved by their own secret documents to be held and taught by them, affords as painful an illustration of the genuine system of the Church of Rome, and the practical working of it by those who carry it out, as can perhaps be found in

the prolific pages of her history at any period of her existence.

We shall consider this in reference to different subjects.

Dr Doyle in his Letter on the Doctrines of his Church as to Oaths, states as follows :

“The Catholic Church does not contemplate in her solemn instructions upon oaths, the existence of such a vice as equivocation or mental reservation ; but whenever it appeared through the corruption of men or the malice of the enemy, she has opposed and condemned it before any other vice or error¹.” p. 161.

He quotes p. 163,

“The doctrine attributed to Garnett, by Dr Lingard (*Hist. Eng.* Vol. ix. p. 37), in his account of the trial and execution of that unhappy culprit.” Garnett declared “that the practice of requiring men to accuse themselves was barbarous and unjust—that in all such cases it was lawful to employ equivocation, and to confirm, if necessary, that equivocation by an oath.”

He then adds,

“Such monstrous and impious doctrine causes one to shudder, and the man who would maintain it should be excluded from the relations of social life ; the penal code itself would scarcely be too severe for him : but to attribute this doctrine to the Catholic Church is scarcely less impious than to maintain it. We abhor it, we execrate it, we abjure it upon oath. The Pope, with the express concurrence of the Church, formally condemned it ; and unless we are to exhumate the remains of those who

¹ Yet “there are seven causes which prevent any obligation being induced by an oath.”

“There are five which take away the obligation after it has been induced.”

“Among the former, the 7th cause which excuses from the obligation of an oath is the limitation of the intention of the swearer, either expressed or understood, according to the disposition of the law or custom ; for in every oath certain general conditions are included by law and custom, *e. g.* *If you accept—unless you remit—saving the right of another*”—the latter means, “saving the right of my superior,” that includes “saving the right of my priest or bishop.” Report, pp. 16, 17.

taught or held it, and let their ashes to the wind, I know not what more can be expected of us than what we have done²."

Dr Doyle then cites a passage from Thomas Aquinas, 2. 2. qu. 89, a. 7, ad. 4.; he quotes the original, and then addresses Lord Liverpool thus, as he gives the translation of it:

"This, my Lord, is the doctrine of Catholics which they are obliged to hold, which it is not lawful for them to impugn—which it is a crime to depart from. An oath must be kept according to the meaning of him who administers it, or to whom it is sworn; whatever form of words may be used, however artfully they may be arranged, yet God who is taken as witness of the conscience so understands the oath as he does to whom it is sworn, so that if it be eluded or violated a twofold crime is committed; in other words, the name of God is taken in vain, and the neighbour is circumvented by fraud³." pp. 163—168.

² Yet if this bishop or a priest is examined on his oath as to any thing he has heard in confession, he must deny it on oath, with the secret reservation in his own mind that he acts the part of God in the confessional, but that he is considered by his examiner merely as a man.

The objection is supposed to be made:

"*Obj.* It is not lawful in any case to tell a lie; but the confessor would lie, for he knows the truth, therefore it is not lawful.

"*Ans.* I deny the minor (that is, that he knows the truth), because such confessor is interrogated as a man, *but he does not know that truth as a man, although he knows it as God*, saith St Thomas, q. 11. Art. 1. ad 3; and this sense is naturally included in the answer; for when he is interrogated or answers out of confession, he is considered as a man." Dens, Tom. vi. p. 219. Report, p. 22.

This is the doctrine taught to every priest by all the bishops, and held by them. (See several authorities in No. I. p. 28. Pamphlets in Document, No. 31.) Among others this: "He (the confessor) *can swear that he does not know that which he knows only as God. And this although the confessor is required to answer without equivocation, for he then answers without equivocation, namely, by understanding without that equivocation which could lawfully be omitted.*" Liguori, Hom. Ap. Tract. xvi. No. 118.

³ Yet by the same authority the priests are taught and the bishops are pledged to teach, "There are four cases in which a promise even accepted by another can be relaxed or commuted, according to St Thomas, 2. 2. Quæst. 89. Art. 9.

Having quoted several authorities on the subject of the inviolability of oaths, and recited some of the obligations to which Roman Catholics bind themselves, and the principles which they profess on oath, Dr Doyle asks in a tone of indignant virtue :

"Then is it reasonable, is it just, is it consonant to what nature and the gospel enjoin, to charge us with a disregard for oaths, or with a disposition such as the Council of Constance imputed to the Hussites, viz. to commit perjury for the good of the faith? Oh my Lord, it is infinitely painful to be obliged to vindicate one's character, or the character of their religion, still more dear to them than their own, from the aspersions of ignorance, bigotry, or malice. This is the pain which I feel at the present moment when my memory traces over the formal folly, the self-conceited ignorance, or the stupid malignity with which a disregard for oaths, and a relaxed morality, have been imputed to our Church."

"These are strong expressions, but indignation when justly excited is a virtue much to be prized; it is like that zeal in the Redeemer which caused him to address the Pharisees, saying, 'Ye hypocrites;' and again, 'ye hypocrites;' and a third time, 'ye hypocrites'—whitewashed walls and painted charnel-houses, beautiful on the outside, but within filled with rottenness and corruption! The woman who dallies with her seducer is his accomplice, and proclaims her own guilt. It is so with him who is passive under heinous imputations¹." Doyle's *Essay*, pp. 172, 3.

"1. When it is doubtful whether the oath is valid or not valid, or the thing promised lawful or unlawful.

"2. When the public good is in question.

"3. As a punishment of any crime committed by him who accepted it.

"4. On account of any injury done to the person who swears.

"*In all these cases an oath may be relaxed without the consent of the party to whom it was sworn.*" See Report, pp. 17, 18.

¹ We must compare with this all the causes that prevent oaths from imposing an obligation—all those that take it away when it is imposed—those that justify the violation of oaths when accepted—all the just causes of dispensations from them—and all the various modes by which they are relaxed, to form a correct estimate of this indignant vindication of the Church of Rome. Report, pp. 16—25.

With reference to the power of dispensation in the Church, Dr Doyle states as follows :

"Of oaths, some are taken to confirm a promise made to God, *but which has no reference to our neighbour*², [thus in Italics] and such oaths, like vows, may be judged of by a bishop : they may be declared null from the beginning, or dispensed with if they be found opposed to good morals or productive of evil. To deny to the bishop a right to decree in such cases as those would be to deny him all right to administer the law of God." pp. 176, 177.

Again :

"The power of the Pope, of the Church, or of any ecclesiastical authority whatever, cannot either make valid or annul any just and lawful act, engagement, compact or contract, of a civil or social nature, or dispense with or annul any oath taken or made to confirm such acts or contracts³." pp. 181, 182.

Again :

"Whether compacts then be entered into by individuals with each other, by subjects with their princes, or by nations with each other—if these compacts be just and legal⁴—if they have force from the natural and Divine law—from the law of nations, or the civil law of the country where they are agreed upon or entered into, they cannot be broken or violated ; and if confirmed by an oath there is an additional bond of religion added to them⁵, which, while the compacts themselves⁶ cannot

² The four cases in which an oath made to our neighbour, and accepted by him, may be broken, are hardly reconcilable to this. Report, p. 18. Is relaxing oaths "*to administer the law of God*?"

³ But no act is "valid, just, or lawful" against the interests of the Church, therefore "the utility of the Church" is the second on the list of just causes of dispensation. Report, p. 19. And by the Canon Law, any oath "*obstructive of the liberty of the Church is not to be kept.*" Report, pp. 78, 79.

⁴ But they cannot be just or legal against the utility or liberty of the Church. See last note.

⁵ But if the contract itself is rescindible, "*such contract is not confirmed by an oath, nor is the oath itself valid*, because both the oath as well as the contract is contrary to good morals, and so are unlawful." Report, pp. 24, 25.

⁶ But this difficulty is solved because the compacts cannot continue—

be dispensed with or annulled, over such compacts and such oaths not bishop nor Pope nor council has nor can have the slightest control." p. 183.

Dr Doyle, on the papal power of dispensing in oaths of allegiance, writes thus :

" If we, my Lord, are to believe that the Pope has a right or power to interfere with or dispense in our oaths of allegiance, we must also believe that he has a temporal jurisdiction within this realm—that England and Ireland are still his fiefs—that our Sovereign is still his subject and we his vassals ; we must recognize him as not only entitled to our obedience in all things, whether spiritual or temporal, but as possessing an uncontrolled dominion over our persons and properties ; in a word, we must be perjurers—nay, perjured slaves¹." pp. 185, 186.

Such being some of the principles promulgated by Dr Doyle on the subject of oaths, the following documents may perhaps afford an illustration of their use and application.

Dr Doyle refers to his own oath as the test of his sincerity, in the following words, in his Letter to the Earl of Liverpool.

" So little, my Lord, am I disposed, in the event of our question being settled, to interfere with the Church Establishment, that when a gleam of hope (and it was but a gleam) beamed upon my mind of that happy consummation, I took the liberty of suggesting in my examination before your Lordship how the collection of tithes in Ireland could be rendered less onerous and

"the compact is dissolved by the superiors of the Church, and thus the oath ceases by the removal of the subject." Report, p. 22. Contracts, for instance, as to church-property are disallowed by the Pope under the Canon Law, Report, p. 110. These are the doctrines of Maynooth, of Dens, and of the Canon Law.

¹ How far this Report proves their belief and assertion of the Pope's dispensing power in oaths of all sorts, those who examine it well can best determine. Assuming, according to Dr Doyle's hypothesis, the fact, it is not for us to dispute the justice of the inferences he draws from it.

odious, whilst in reply to a question proposed to me upon the same subject, I gave on my oath the following answer :

“ ‘ I conceive that the removal of the disqualifications under which Roman Catholics labour would lessen considerably those feelings of opposition which they may at present entertain with regard to the Establishment.’ * * * * ”

“ I do think that if those claims were once adjusted, and the concessions which we desire granted, the country would settle down into a habit of quiet, and that we should no longer feel the jealousy which we now feel against the clergy of the Established Church. * * * * We would view them, if those claims were granted, as brethren labouring in the same vineyard with ourselves, seeking to promote the interests of our common country.” Doyle’s Essay, No. 11. of the Documents². pp. 192—194. Printed, 1826.

We now proceed to quote the principles put forward in the joint Pastoral of all the Archbishops and Bishops of

² Yet in the Collection of Pamphlets, Document, No. 31, we find No 2, a letter written by Dr Doyle to Lord Farnham, dated 1831, when “these claims were adjusted;” the same year in which that prelate in conjunction with Dr Murray, Dr Keating, and Dr Kinsella, composed their Provincial Statutes, Report, p. 2. In this letter, the following passages occur :

“ I have never plotted in secret against this system (the tithes of the Church), but mine has been and ever will be one of the thousand voices raised to denounce it to the hatred of mankind.” p. 5.

Again,

“ I have, my Lord, always considered and represented the tithe system in Ireland, not only as an impediment to her improvement in peace and agriculture, but also as unjust in principle, and odious in practice.” p. 7.

Again,

“ I would blush for my countrymen, of whatever creed or class, if they did not properly estimate the tithe system ; and I cannot more properly conclude this letter than by reiterating the prayer already known to your lordship, ‘ May their hatred of tithe be as lasting as their love of justice.’ ” pp. 12, 13. See also Dr M^cHale’s Oath and Letter, Report, p. 26.

Dr Doyle’s name is also subscribed to the following Document, containing the confederated oath of all the bishops of the Church of Rome then living, which it professes to give on the subject.

the Church of Rome, as addressed to their priests and people, and subjoined to the *Essay* of Dr Doyle.

This Pastoral consists of two parts, of which the first contains a short Address, followed by eight Resolutions.

In the Address they say :

"We know, dearly beloved, the filial duty with which you are solicitous to hear the voice of those who 'watch, as being to render an account of your souls,' Heb. xiii. 17. We hasten, therefore, to make known to you our unanimous decisions on such matters as are of common concern, that you on your part may 'fulfil our joy, that being of one accord, you stand fast in one spirit, with one mind labouring together for the faith of the gospel,' " Phil. ii. 2, and i. 27.

The *unanimous decision* of these prelates on the principles in which the people were to be instructed may be seen, *Report*, pp. 6—8, when Dens was the adopted standard from 1808 to 1831.

The Resolutions are not relevant till the following :

EIGHTH RESOLUTION.

"Having learned with sorrow that, notwithstanding the repeated expositions already given of our faith, some grievous misconceptions regarding certain points of Catholic doctrine are still unhappily found to exist in the minds of many of our fellow-subjects : Resolved, that we deem it expedient to remove the possibility of future misconception on those heads by the following full and authentic declaration." *Essay*, pp. 290—294.

Then follows the second part of this Pastoral :

"DECLARATION OF THE ARCHBISHOPS AND BISHOPS OF THE ROMAN CATHOLIC CHURCH IN IRELAND."

This Declaration commences as follows :

"At a time when the spirit of calm enquiry is abroad, and men seem anxious to resign those prejudices through which they viewed the doctrines of others, the Archbishops and Bishops of

the Roman Catholic Church in Ireland avail themselves with pleasure of this dispassionate tone of the public mind, to exhibit a simple and correct view of those tenets that are most frequently misrepresented.

"If it please the Almighty that the Catholics of Ireland should be doomed to continue in the humbled and degraded condition in which they are now placed, they will submit with resignation to the Divine Will. The prelates, however, conceive it a duty which they owe to themselves as well as to their Protestant fellow-subjects, whose good opinion they value, to endeavour once more to remove the false imputations that have been frequently cast upon the faith and discipline of that church which is entrusted to their care, that all may be enabled to know with accuracy the genuine principles of those men who are proscribed by law from any participation in the honours, dignities, and emoluments of the state."

The subjects treated of in this Declaration are distinguished by numbers. We pass over those which have no reference to the subjects contained in this Report, and print those to which references are subjoined.

No. VII.

"Catholics hold that in order to attain salvation it is necessary to belong to the true church, and that heresy, or a wilful and obstinate opposition to revealed truth, as taught in the Church of Christ, excludes from the kingdom of God¹.

"They are not, however, obliged to believe that all those are wilfully and obstinately attached to error, who, having been seduced into it by others, or who having imbibed it from their parents, seek the truth with a cautious solicitude, disposed to embrace it when sufficiently proposed to them². But leaving

¹ The Class-Book of Moral Theology in Maynooth teaches that whoever is separated from the Church, "*for this sole crime, that he is severed from Christianity, shall not have life, but the wrath of God abideth on him.*" Report, p. 28. And the Class-Book of Dogmatic Theology asserts, that "*even those who do not err in doctrine, by the fact of their schism alone are shut out from the Church, and are without the way of salvation.*" Report, p. 37.

² See Dens. Report, p. 39—44.

such persons to the righteous judgment of a merciful God, they feel themselves bound to discharge towards them, as well as towards all mankind, the duties of charity and social life¹." p. 298.

No. XI.

"The Catholics of Ireland not only do not believe, but they declare upon oath that they detest as unchristian and impious the belief, 'that it is lawful to murder or destroy any person or persons whatsoever for or under the pretence of their being heretics².' And also the principle, 'that no faith is to be kept with heretics³.'"

"They further declare on oath their belief that 'no act in itself unjust, immoral, or wicked, can ever be justified or

¹ Yet "*heretics and apostates*" are the first on the list of those against whom "the sentence of excommunication, *ipso facto*," is denounced in the secret statutes enacted in the year 1831, by the very bishops who sent forth this Pastoral, Drs Murray, Doyle, and Keating. Document No. 15, p. 109.

² Yet the Class-Book of Dogmatic Theology in Maynooth declares, on the authority of the council of Constance, that "every one who would be considered a Catholic," should condemn "not only the books and doctrines, but the persons" of heretics. Report, p. 38.

And the selected and authoritative standard of these very bishops for the guidance of their priests, in answer to the questions at their own Conferences in 1832, pronounces "*the penalties decreed against heretics*" to be, amongst others, excommunication, confiscation of property, denial of Christian burial, exile, imprisonment, and death. Report, pp. 41—43.

The Commentary on the Scriptures, circulated for years before, under the authority of twelve bishops, some of whom subscribe this Pastoral as "the infallible interpretation of the Church," as well as the Commentary of Menochius, the Class-Book of Maynooth, and Maldonatus, the standard to which that Class-Book refers, all declare that heretics are to be put to death whenever it can be done without danger to the Church. Documents, No. 1, 2, 4, and Report, 48—54.

The code of Canon Law, published under the authority of these bishops in 1832, lays it on all bishops as an imperative duty to "purge their dioceses from heretics," under the sanction of the third Canon of the 4th Lateran Council, which same canon is cited in the Class-Book of Maynooth of Canon-law. Report, pp. 74—76, and 118—120.

³ See Oaths of official men, and reservations in absolute oaths, Report, pp. 78, 79. Also Conventions with heretics on property, Report, pp. 109, 110.

excused by or under the pretence or colour that it was done either for the good of the church⁴, or in obedience to any ecclesiastical power whatsoever⁵.

"That it is not an article of the Catholic faith, neither are they bound to believe, that the pope is infallible⁶."

"And that they do not hold themselves 'bound to obey any order in its own nature immoral, though the Pope or any ecclesiastical power should issue or direct such an order; but, on the contrary, that it would be sinful in them to pay any respect or obedience thereto⁷.' *Essay*, p. 300.

No. XII.

"The Catholics of Ireland swear that 'they will be faithful and bear TRUE ALLEGIANCE to our most gracious Sovereign Lord KING GEORGE THE FOURTH⁸; that they will maintain, support,

⁴ See Oaths of Confessors, p. 23. See also Oaths likely to tend to an unfavourable issue, and dispensations, Report, pp. 21—23.

⁵ Yet these bishops set forth a Law of indispensable subjection to all commands of the Pope in 1832, Report, p. 106.

⁶ Yet these bishops were bound to teach the infallibility of the Pope, and the other ultramontane doctrines, by their own pledge to the Cardinal Prefect of the Propaganda. See Report, p. 5. They did teach this infallibility, and all these doctrines, in their Conferences of 1832, by the Treatise in Dens (Tom. II. "No. 90, et seq. Tract. de Fide"); and in the same year the bishops whose names are here subscribed, published, and have sanctioned to this day the bull *Super Soliditate*, expressly, as stated at the head of the bull, to confirm and establish the doctrines taught on this subject in Dens. Report, pp. 13, 14: 94, 95. Document 17, p. 496; and Supplement to Dens, p. 226.

⁷ The Pope issuing any order *ex cathedra* is infallible by preceding reference; therefore no order from an infallible authority could be in itself immoral: but they must obey any mandate of the Pope by Canon Law, *Pastoralis Regiminis*, Report, 106—7. And by the Law *Pastor Bonus*, the Major Pœnitentiarius can absolve from any species of crime, so that even the murderer may become a cleric. The former gives security to morals, the latter deliverance from all immorality. Report, pp. 112, 113.

⁸ The secret statutes of four of these prelates of the province of Leinster pronounced the sentence of excommunication *ipso facto* against all heretics (1831), from the highest to the lowest. The *Bulla Cœnæ* excommunicates all powers that execute laws against the Pope's authority. Report, pp. 99, 100. Its opposition to sovereigns, and all their prerogatives,

and defend, to the utmost of their power, the succession of the crown in his majesty's family, against any person or persons whatsoever.'

"That they 'renounce, reject, and abjure the opinion that princes excommunicated by the Pope and council, or by any authority of the See of Rome, or by any authority whatsoever, may be deposed and murdered by their subjects, or by any person whatsoever¹.'

"And that they 'do not believe that the Pope of Rome, or any other foreign prince, prelate, state or potentate, HATH OR OUGHT TO HAVE any temporal or civil jurisdiction, power, superiority or pre-eminence, directly or indirectly, within this realm².'

"They further solemnly, 'in the presence of God, profess, testify, and declare, that they make this declaration, and every part thereof, in the plain and ordinary sense of the words of their oath, without any evasion, equivocation, or mental reservation whatsoever³, and without any dispensation already granted by the Pope, or any authority of the see of Rome, or any person

power and rights, is proved by evidence from Naples, Sicily, France and Spain. Report, pp. 100—104. And the Bull *Pastor Bonus* compels all heretical princes to appeal to the Pope for absolution. Report, p. 112. The publication of these bulls seems scarcely consistent with "true allegiance."

¹ See Doctrine of Pope's indirect authority and power of absolving from oaths of allegiance, as justly done against heretical princes. Report, pp. 15, 16.

² The indirect temporal power of the Pope is asserted as the doctrine of Thomas Aquinas, whose opinions on this point the Prelates are pledged to the Cardinal Prefect of the Propaganda to maintain. See Report, p. 5. See Doctrine of Thomas Aquinas, pp. 15, 16. The publication and adoption of the Papal Canon Law is the practical enforcement of the Pope's direct authority. The Bull *Pastoralis Regiminis* and the *Bulla Cœne* assert and maintain his temporal power as far as all spiritual terror can enforce it on the consciences of men. Report, pp. 99, 100, 106, 107.

³ In every promissory oath, *however absolutely made*, the tacit condition *must be reserved*, "saving the right and authority of my superior." Report, pp. 78, 79. And any oath "obstructive of the liberty of the Church," must be classed with those obligations that are "unlawful or impossible," and therefore "are not to be kept." *Ib.*

whatsoever, and without thinking that they are or can be acquitted before God or man, or absolved of this declaration or any part thereof, although the Pope or any persons or authority whatsoever shall dispense with or annul the same, or declare that it was null and void from the beginning⁴." pp. 301, 302.

No. XIII.

"The Catholics of Ireland, far from claiming any right or title to forfeited lands resulting from any right, title or interest which their ancestors may have had therein, declare upon oath 'that they will defend to the utmost of their power the settlement and arrangement of property in this country, as established by the laws now in being⁵.'

"They also 'disclaim, disavow, and solemnly abjure, any intention to subvert the present Church-establishment for the purpose of substituting a Catholic establishment in its stead.'

"And further, they swear that they will not exercise any privilege to which they are or may be entitled to disturb and weaken the Protestant religion and Protestant Government in Ireland⁶." p. 302.

⁴ The very act of inserting such a clause as this into an oath, makes the oath itself null and void, as has been proved on the authority of their standard guide, Thomas Aquinas. Report, p. 20. An oath not to seek a dispensation as "it tends to an unfavourable issue is *not obligatory*." And who besides could ever presume to limit the Pope's dispensing power?

But the whole of this is only the semblance of an oath; and while it would seem to induce an obligation on these prelates, it really is not an oath at all. It is merely reciting the oath of allegiance prescribed by the then law to Roman Catholics; and to declare that they swore thus induces no obligation either on the bishops, the priests, or the people. The fact of inserting that clause, "not to seek a dispensation," into the oath of allegiance, nullified that oath, as we have seen. Report, pp. 20—24.

Moreover, the bishops have no need ever to seek a dispensation, as every bishop can dispense when he pleases with his own oath. Report, p. 22.

⁵ The only comment necessary on this is merely to turn to the Canon-law for the restitution of all the forfeited property in Ireland, put into force, as far as the consciences of Roman Catholics were concerned, in the year 1832, by these very bishops. The Canon-law and the obligations it enforces, with the Pope's decision thereon, are seen, Report, pp. 109, 110.

⁶ The laws of all their *Corpus Juris Canonici* relating to the subject,

It is right that the names of the Roman Catholic prelates who subscribed this Declaration should be subjoined, as several of them are alive at this day. They are printed as follow :

†PATRICK CURTIS, D.D.	†DANIEL MURRAY, D.D.
†OLIVER KELLY, D.D.	†ROBERT LAFFAN, D.D.
†FARRELL O'REILLY, D.D.	†J. O'SHAUGHNESSY, D.D.
†PETER McLAUGHLIN, D.D.	†THOMAS COSTELLO, D.D.
†JAMES MAGAURAN, D.D.	†KIERAN MARUM, D.D.
†GEO. T. PLUNKETT, D.D.	†PETER WALDRON, D.D.
†JAMES KEATING, D.D.	†JOHN MURPHY, D.D.
†CHARLES TUOHY, D.D.	†JAMES DOYLE.
†EDWARD KIERNAN, D.D.	†P. McNICHOLAS, D.D.
†PATRICK KELLY, D.D.	†P. McGETTIGAN, D.D.
†CORNELIUS EGAN, D.D.	†EDMUND FFRENCH, D.D.
†WILLIAM CROLLY, D.D.	†THOMAS COEN, D.D.
†PATRICK MAGUIRE, D.D.	†ROBERT LOGAN, D.D.
†PATRICK McMAHON, D.D.	†PATRICK BURKE, D.D.
†JOHN McHALE, D.D.	†JOHN RYAN, D.D.

One fact as to the persecution of heretics, deserves to be placed on record as demonstrated by these Documents in reference to two of the bishops who have subscribed this Pastoral Address—Dr Murray, the present Archbishop of the Church of Rome in Dublin, and the celebrated Dr Doyle, then one of his suffragans in the province of Leinster. These two prelates in their exami-

prove the total nullity of such an oath as this. All the laws affecting heretics, their censures, as excommunication, irregularity, interdict, &c., all prove that heretics are incapable of holding benefices by any ecclesiastical claim or title; so that the whole establishment of the Protestant Church is a nullity in papal law. See Report, pp. 60—67. Dr McHale's view of the obligation of his oath (Report, p. 25), and Dr Doyle's Letter (Report, p. 137, note), both having subscribed this document, render any proof superfluous on the subject, as to the security to be derived from any such oaths or obligations.

nation before the Committee of the House of Lords, Dr Doyle, April 21st, 1825, and Dr Murray in his examination before that of the House of Commons, May 17th (Documents No. 17, pp. 105, 106), both laboured to deny the authority, and to throw doubts on the genuineness of the 3rd Canon of the 4th Lateran Council, and Dr Doyle in his Essay cited above, after a long and laboured argument, makes the following remarkable statement concerning this sanguinary canon (p. 110):

“Such a law in the present age (for we will not judge others lest we ourselves might be judged) would be immoral, unjust, impossible—it would be opposed to the natural dispositions of the people of this Empire.—It would be contrary to all the laws, usages, and customs of our country.—It would not be suited to the times and circumstances under which we live.—In place of being necessary or useful, it would upturn the very foundations of society, and instead of benefiting the community, it would drench our streets and our fields in blood.”

Such was the evidence on oath of these two prelates, and such the recorded testimony of this man at a time when they sought to obtain by these means the concession of political power. But as soon as they had obtained that power, these very two prelates set up, as has been proved in this Report, a system of Theology—Dens, for the constant study and for the Conference-book of their priests by which they were “to direct the consciences of the people,” and then added to this work the Compendium of Canon Law which we have seen, in which this same third Canon of the 4th Lateran Council is cited as the ecclesiastical authority and obligation for themselves and their brother bishops, to exterminate heretics out of their dioceses!—(Rep. 117, 118, 119), and this law being unreclaimed against by all or any of these bishops, remains to this day, as far as Rome can establish her laws,

the law to regulate the principles and conduct of the Roman Catholic Bishops of Ireland, and now, it is to be presumed, of those of the united British Empire.

The last extract from these Documents which seems of any importance, is taken from another Pastoral Address of the Roman Catholic Prelates after the Roman Catholics had obtained political power by the bill of 1829; it was written the next year, and bears date Feb. 9, 1830. It is found in Document No. 17, pp. 326, 333. In this we find as follows:

PASTORAL ADDRESS.

"THE ARCHBISHOPS AND BISHOPS WHOSE NAMES ARE UNDERSIGNED, TO THE CLERGY AND PEOPLE OF THE CATHOLIC CHURCH IN IRELAND, HEALTH AND BENEDICTION¹.

"Beloved Brethren in Christ Jesus:

"Being assembled in Dublin to deliberate as our custom is, on our own duties and the sacred interests confided to our care, we are urged by the charity of God in the love we bear you, to address to you the following brief instruction.

"And first we give thanks to God and the Father of our Lord Jesus Christ that not only you continue to be of one mind labouring together in the faith of the Gospel, but also that this Gospel increases and fructifies among you, so that your improvement is manifest to all, whilst your faith is spoken of throughout the entire world. Be mindful, however, that 'neither he that planteth is any thing, nor he that watereth, but God that giveth the increase,' 1 Cor. iii. 7; as also, that he that shall persevere unto the end shall be saved. Matt. x. 22."

Then having drawn a picture of the state of civil and

¹ The tone of this Pastoral differs from the former in this, that the term "*Roman*" is omitted, and the word "*Catholic*" used alone. The former was the "*Pastoral Address and Declaration of the Roman Catholic Archbishops and Bishops of Ireland*," and it was addressed "*To the Clergy and Laity of the Roman Catholic Church in Ireland*."

religious discord that prevailed in Ireland before the Bill of 1829, they proceed:

“It was at this time that He by whom kings reign and legislators decree just things, arose, and as it were said to the sea, Be still, and to the north wind, Do not blow. Our gracious and beloved Sovereign, walking in the footsteps of his royal family (whose memory be ever cherished), commiserated the state of Ireland, and resolved to confer upon her the inestimable blessing of religious peace. The great boon became the more acceptable to this country because among the counsellors of his Majesty there appeared conspicuous the most distinguished of Ireland’s own sons, a hero and a legislator, a man selected by the Almighty to break the rod which had scourged Europe—a man raised up by Providence to confirm thrones—to re-establish altars—to direct the councils of England at a crisis the most difficult—to staunch the blood and heal the wounds of the country that gave him birth.

“An enlightened and wise Parliament perfected what the Sovereign and his counsellors commenced, and already the effects of their wisdom and justice are visible and duly appreciated by all the wise and good.

“The storm which almost wrecked the country has subsided, while social order, with peace and justice in her train, prepares to establish her sway in this long distracted country.

“And is not the King, beloved brethren, whom by the law of God we are bound to honour, entitled now to all the honour, and all the obedience, and all the gratitude you can bestow? And do not his ministers merit from you a confidence commensurate with the labours and the zeal expended by them on your behalf? And that legislature which raised you from your prostrate condition, and gave to you without reserve all the privileges you desired, is not that legislature entitled to your reverence and love? We trust that your feelings on this subject are in unison with our own, and that a steady attachment to the constitution and laws of your country, as well as to the person and government of your gracious Sovereign, will be manifest in your entire conduct.

“Labour therefore in all things to promote the end which the legislature contemplated in passing this bill for your relief,

to wit, the pacification and improvement of Ireland. Let religious discord cease. Let party feuds and civil dissensions be no more heard of. Let rash, and unjust, and illegal oaths be not even named among you. And if sowers of discord or sedition should attempt to trouble your repose, seek for a safeguard against them in the protection afforded by the law.

"Be sober and watch, so that no one may have evil to say of you. Give way to anger rather than contend with an adversary, so that nothing on your part may be wanting to promote peace and good will among all classes and descriptions of the Irish people.

"To our venerable brethren the clergy of whatsoever degree we propose with reference to what here follows, our own example. They will copy it into their lives, and adhere to it as a rule of conduct. We united our efforts with those of the laity in seeking to obtain their just rights, and to attain them without a compromise of the freedom of our church. Success attended our united efforts, because reason, and justice, and religion, and the voice of mankind, were upon our side. We rejoice at the result, regardless of those provisions in the great measure of relief which injuriously affect ourselves, and not only us, but those religious orders which the Church of God even from the apostolic times has nurtured and cherished in her bosom. These provisions, however, which were, as we hope and believe, a sacrifice required not by reason or policy, but by the prejudices holding captive the minds of even honest men, did not prevent us from rejoicing at the good which was effected for our country. But we rejoice at that result not more on public grounds, than we did because we found ourselves discharged from a duty which necessity alone had allied to our ministry—a duty imposed on us by a state of times which has passed, but a duty which we have gladly relinquished in the fervent hope that by us or our successors it may not be resumed. These are the sentiments which the spirit of our calling inspires, they are the sentiments which never ceased to animate us, and which our clergy, always obedient to our voice, will cherish all with us, as the apostle commands, 'all may say the same thing, and there may be no divisions among us.'"

There is then a closing exhortation, with texts of scripture, &c.

The names subscribed to the Pastoral of 1830, were :

†PATRICK CURTIS, D.D.	†D. MURRAY, D.D.
†OLIVER KELLY, D.D.	†ROBERT LAFFAN, D.D.
†W. COPPINGER, D.D.	†MICHAEL COLLINS, D.D.
†CORNELIUS EGAN, D.D.	†WM. KINSELLA, D.D.
†P. M ^c LAUGHLIN, D.D.	†WILLIAM HIGGINS, D.D.
†JOHN MURPHY, D.D.	†EDMUND FFRENCH, D.D.
†JOHN RYAN, D.D.	†JAMES BROWNE, D.D.
†PATRICK M ^c MAHON, D.D.	†ROBERT LOGAN, D.D.
†PATRICK M ^c GETTIGAN, D.D.	†EDWARD KIERNAN, D.D.
†JAMES KEATING, D.D.	†JOHN M ^c HALE, D.D.
†JAMES DOYLE, D.D.	†THOMAS COSTELLO, D.D.
†WILLIAM CROLLY, D.D.	†P. M ^c NICHOLAS, D.D.
†THOMAS COEN, D.D.	†M. FORAN, D.D.
†THOMAS KELLY, D.D.	

Thirty names were subscribed to the Address of 1826, and twenty-seven to this—of whom twenty signatures are the same.

It is impossible not to approve of the spirit in which this Pastoral is written, and it seems to promise a result of the concession of political power to Roman Catholics adequate to all that its warmest advocates desired, and very different from that predicted by priest Morrissy, as it appears in this Report, pp. 125—129. But the facts that appear from the Documents before us, seem to present a very singular comment on these Pastorals, namely :

1. That in the next year, viz. July 1831, the Roman Catholic Archbishops and Bishops of the Metropolitan Province of Ireland, of whom three, namely, Dr Murray, Dr Doyle, and Dr Keating, signed both these Pastorals, and the fourth, Dr Kinsella, who was not a bishop in 1826, signed the latter, composed the Book of Statutes (Documents, No. 15) which was kept so studiously concealed, in which the sentence of excommunication *ipso facto* is pronounced against all heretics. Rep. p. 141, *note*.

2. That in the next year Dens's Theology, which had been unanimously adopted in 1808 by all the Roman Catholic Bishops, was selected by these four prelates as the standard for the daily study of their priests, to enable them thereby to "direct the consciences of the people." Rep. p. 8.

3. That these prelates appointed this book as the Conference-book for their priests, in which Conferences they themselves were to examine whether their priests had made a proper proficiency in this study. Report, pp. 3: 44.

4. That in the next year but one, viz. 1832, the questions of Conference in their Directories on the penalties decreed against heretics (Documents, No. 12), elicited the answers from their standard theology, that they are all claimed as subjects of the Church of Rome—to be compelled, when it is expedient, to submit to her authority, and return to her bosom (Rep. p. 40—41)—that the rites of their worship ought not to be tolerated, (Rep. pp. 41—42), and that they are sentenced by the laws of the Church of Rome to excommunication by the *Bulla Cœnæ*—privation of benefices—and of Christian burial—to infamy—confiscation of property—exile—imprisonment and death. Rep. pp. 42—43.

5. That in this year, in which a new edition of Dens's Theology was published under the approval of Dr Murray, and dedicated to him, this archbishop had a supplemental volume added to this edition, under the title of an eighth Volume, which had not been added to the former edition.

That this supplemental Volume was a Volume of Canon Law referring to and confirming the principles of Dens's Theology, that Dr Murray had it published, as he states in his own Pastoral Address (Document No. 9), "being in much repute in his Church."

6. That this Volume contains Canon Laws to establish the doctrine of the Infallibility of the Pope. Rep. pp. 94—95.

7. That it confirms the authority of the *Bulla Cœnæ*. Rep. pp. 95—106.

8. That it contains a Canon Law for the total subjection of the Roman Catholics of Ireland to the temporal power of the Pope. Rep. 106—7.

9. Another for the restitution of all forfeited property. Report, pp. 109—110.

10. Another for the pardon of all crimes, how atrocious soever they may be—by which even murderers may enter into religious orders. Rep. pp. 111—114.

11. Another, confirming the Bull *Unigenitus*. Rep. pp. 115—116.

12. That it contains a law to compel the bishops who issued these Pastoral Declarations and Addresses to exterminate heretics out of their dioceses, by the third Canon of the 4th Lateran Council in direct contradiction to their oaths and statements on the subject. Rep. pp. 116—119; 144—145.

13. Finally, that it contains laws to regulate the administration of the Inquisition in Ireland. Rep. pp. 119—121.

Having stated the nature and dates of the Documents, those statements speak for themselves. Those who read them can easily determine how far they bear out the spirit and meaning of these Pastoral Addresses, and evince the genuine principles and the real intention of the prelates who issued them, to *relinquish the painful duty* of political agitation—to “*let religious discord cease*”—and to “*promote the end which the legislature had in view—namely, the PACIFICATION AND IMPROVEMENT OF IRELAND.*”

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